

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

MICHAEL DAVID O'NEAL,

Plaintiff,

vs.

CASE NO. 5:08cv332/RS-EMT

MICHAEL J. ASTRUE, Commissioner
of Social Security Administration,

Defendant.

_____ /

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 27). No objections have been filed.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. The decision of the Commissioner is reversed. Pursuant to sentence four of 42 U.S.C. §405(g) the Commissioner is ordered to remand this case to the Administrative Law Judge for further proceedings consistent with the Report and Recommendation.
3. The clerk is directed to close the file.

ORDERED on February 2, 2010.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE