

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
KEY WEST DIVISION**

CASE NO: 07-10089-CIV-KING/DUBE

EDWARD P. TORTOLANO,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Comissioner of Social Security,

Defendant.

ORDER OF FINAL JUDGMENT

Pursuant to Federal Rule of Civil Procedure 58 and the Court's Order Affirming and Adopting Magistrate Judge's Report and Recommendation, it is ORDERED, ADJUDGED, and DECREED that judgment is hereby entered in favor of Plaintiff and against Defendant. The decision of the Commissioner is REVERSED, and this case is REMANDED to the Commissioner for an award of benefits (which is consistent with the R&R) to be entered in favor of Plaintiff. All pending motions are DENIED as MOOT. The Clerk of the Court shall CLOSE this case. If applicable, this Court retains jurisdiction of the above-styled action to determine fees, costs, and expenses incurred by Plaintiffs in bringing this action.

DONE and ORDERED in chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida, this 11th day of September, 2008.



JAMES LAWRENCE KING
U.S. DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

cc: Magistrate Judge Robert L. Dube

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