

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JAMES Y. HERRON,)	Civ. No. 07-00623 HG-LK
)	
Plaintiff,)	
)	
vs.)	
)	
MICHAEL J. ASTRUE, Commissioner)	
of Social Security,)	
)	
Defendant.)	
)	
_____)	

ORDER REMANDING CASE TO THE COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION PURSUANT TO THE NINTH CIRCUIT COURT OF APPEAL'S ORDER DATED DECEMBER 22, 2010

On February 22, 2005, Plaintiff James Y. Herron filed an application for Social Security Disability Insurance Benefits.

On March 7, 2005, Plaintiff's application was denied.

On October 26, 2007, the Appeals Council for the Social Security Administration denied further review of Plaintiff's application and rendered a final administrative decision by the Commissioner of Social Security.

On December 27, 2007, Plaintiff sought judicial review of the Commissioner of Social Security's final decision to deny Plaintiff Social Security Disability Benefits in this Court pursuant to 42 U.S.C. § 405(g). (Doc. 1.)

On June 20, 2008, Plaintiff filed a Motion For Summary Adjudication (Doc. 15.)

On February 19, 2009, the Magistrate Judge filed "FINDINGS

AND RECOMMENDATION TO DENY PLAINTIFF'S MOTION FOR SUMMARY ADJUDICATION" (Doc. 31).

On June 12, 2009, the Court filed an "ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION, (DOC. 31), AS MODIFIED, TO DENY PLAINTIFF'S MOTION FOR SUMMARY ADJUDICATION" (Doc. 35).

On August 24, 2009, Plaintiff filed "NOTICE OF APPEAL" to the Ninth Circuit Court of Appeals. (Doc. 37.)

On December 22, 2010, the Ninth Circuit Court of Appeals filed an order reversing this Court's Order dated June 12, 2009. The Ninth Circuit Court of Appeals remanded the case to this Court with instructions to:

[R]emand to the Commissioner for a determination of whether, in light of the above conclusions, Herron has the residual functional capacity to perform his past relevant work as actually performed and/or generally performed in the national economy, and if not, whether he can perform other substantial gainful work in the national economy.

On April 11, 2011, the Ninth Circuit Court of Appeals filed a formal mandate. (Doc. 51.)

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This matter is hereby **REMANDED** to the Commissioner of Social Security to proceed as required by the Ninth Circuit Court of Appeals Order filed December 22, 2010.

IT IS SO ORDERED.

DATED: May 11, 2011, Honolulu, Hawaii.



/S/ Helen Gillmor

Helen Gillmor
United States District Judge

Herron v. Astrue, Civ. No. 07-00623 HG-LK; ORDER REMANDING CASE TO THE COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION PURSUANT TO THE NINTH CIRCUIT COURT OF APPEAL'S ORDER DATED DECEMBER 22, 2010.