

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CHESTER COLEMAN

CIVIL ACTION

VERSUS

NO: 07-3624

SECRETARY OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES

SECTION: R

ORDER

The Court, having reviewed *de novo* the complaint, the record, the applicable law, and the Magistrate Judge's Report and Recommendations, and finding that as of this date neither party has filed any objections to the Magistrate Judge's Report and Recommendations, hereby approves the Magistrate Judge's Report and Recommendations and adopts it as its opinion.

Accordingly,

IT IS ORDERED that plaintiff's Motion for Summary Judgment is GRANTED in part and DENIED in part, in the following manner. The motion is GRANTED to the extent that the ALJ's decision was not based upon substantial evidence under the appropriate legal standard. The decision denying or discontinuing disability insurance benefits is therefore REVERSED. Further, the motion is DENIED to the extent that it seeks an order awarding disability benefits.

IT IS FURTHER ORDERED that defendant's Cross-Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED that the matter is remanded to a different administrative law judge for a determination based on the evidence, which shall incorporate the following proceedings:

1. A hearing to reassess the plaintiff's residual functional capacity; and
2. A determination of the impact of the plaintiff's limitations on the available occupational base.

New Orleans, Louisiana, this 30th day of September, 2008.

A handwritten signature in black ink that reads "Sarah S. Vance". The signature is written in a cursive style and is positioned above a horizontal line.

SARAH S. VANCE
UNITED STATES DISTRICT JUDGE