

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

SEAN A. EYMARD

CIVIL ACTION

VERSUS

NO. 07-9097

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

SECTION "K" (3)

ORDER

The Court, after considering the petition, the record, the applicable law, the Magistrate Judge's Report and Recommendation (Doc. #15), and finding that as of this date that neither party has filed any objections to the Magistrate Judge's Report and Recommendation, hereby approves the Magistrate Judge's Findings and Recommendation and adopts it as its opinion. Accordingly,

IT IS ORDERED that the Commissioner's Motion for Summary Judgment is DENIED, the Commissioner's decision is REVERSED and VACATED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment is GRANTED IN PART, that is, insofar as the plaintiff seeks REMAND for further proceedings consistent with this Court's opinion.

New Orleans, Louisiana, this 5th day May, 2009.



STANWOOD R. DUVAL, JR.
UNITED STATES DISTRICT JUDGE