

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ANTHONY A. NOIL,	:	
	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	CIVIL ACTION NO. 12-397-JJB-RLB
	:	
CAROLYN W. COLVIN,	:	
ACTING COMMISSIONER	:	
OF SOCIAL SECURITY, ¹	:	
	:	
<i>Defendant.</i>	:	

FINAL JUDGMENT AND ORDER OF REMAND

After consideration of Defendant’s Motion to Remand, the Court finds that the Motion should be granted.

IT IS ORDERED that the Commissioner’s September 21, 2010, decision denying Plaintiff’s application for Disability Insurance Benefits and Supplemental Security Income payments under the Social Security Act in the above-captioned matter is hereby reversed and remanded to the Commissioner, pursuant to the fourth sentence of 42 U.S.C. § 405(g) for the purpose of conducting further administrative proceedings as follows:

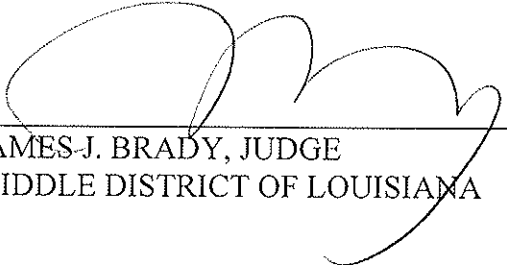
- 1) The Administrative Law Judge shall evaluate the opinion evidence from Plaintiff’s treating physician, Janice L. Hudson, M.D., in accordance with the relevant regulations and Fifth Circuit precedent (Tr. 19-20, 203-18, 224-29, 232-35). *See, e.g., Newton v. Apfel*, 209 F.3d 448, 453 (5th Cir. 2000); 20 C.F.R. §§ 404.1527(c), 416.927(c); and

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Michael J. Astrue as defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act (Act), 42 U.S.C. § 405(g).

2) The Administrative Law Judge shall evaluate Plaintiff's drug and alcohol abuse in accordance with 20 C.F.R. §§ 404.1535, 416.935 (Tr. 12-22, 182-184, 203, 215, 234).

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice to Plaintiff's subsequent timely filing of an application for attorney's fees under the Equal Access to Justice Act, 42 U.S.C. § 2412(d)(1)(B).

Signed in Baton Rouge, Louisiana on July 22, 2013.



JAMES-J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA