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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

LAFAYETTE DIVISION

DARA JO FONTENOT * CIVIL ACTION NO. 10-0662

VERSUS * JUDGE DOHERTY

COMMISSIONER OF SOCIAL SECURITY * MAGISTRATE JUDGE HILL

JUDGMENT

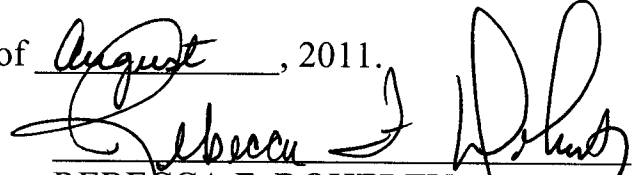
This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Commissioner's decision is REMANDED to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g).¹ This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to order an updated consultative examination of claimant or an evaluation by claimant's treating physician, specifically as to her

¹A fourth sentence remand constitutes a "final judgment" that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993); *Freeman v. Shalala*, 2 F.3d 552 (5th Cir. 1993).

residual functional capacity to perform her past work or any other work from the time that she was diagnosed with cervical stenosis. Claimant shall be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing.

Lafayette, Louisiana, this 9 day of August, 2011.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE