

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

CLARENCE THIBODEAUX

CIVIL ACTION NO. 16--0444

VERSUS

JUDGE S. MAURICE HICKS, JR.

U.S. COMMISSIONER, SOCIAL  
SECURITY ADMINISTRATION

MAGISTRATE JUDGE HANNA

**JUDGMENT**

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

Accordingly,

**IT IS ORDERED, ADJUDGED, AND DECREED** that the Commissioner's decision is **REVERSED** and **REMANDED** to the Commissioner for further administrative proceedings, pursuant to the fourth sentence of 42 U.S.C. § 405(g).<sup>1</sup> More particularly, the Commissioner is instructed to determine whether the claimant's intellectual impairment meets or equals the criteria of Listing 12.05 after first fully developing the record by obtaining treatment notes and other relevant documentation from the mental health care professionals who provided services to the claimant, permitting the claimant to supplement

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<sup>1</sup>A fourth sentence remand constitutes a final judgment that triggers the filing period for an EAJA fee application. See Shalala v. Schaeffer, 509 U.S. 292 (1993); Freeman v. Shalala, 2 F.3d 552, 553 (5th Cir. 1993).

the record with updated medical records, and permitting the claimant to testify at another hearing, consistent with the report and recommendation.

**THUS DONE AND SIGNED**, in Shreveport, Louisiana, this 4th day of August, 2017.

  
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S. MAURICE HICKS, JR.  
UNITED STATES DISTRICT JUDGE