

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BILLY HERNANDEZ,

Plaintiff,

v.

MICHAEL ASTRUE,

Defendant.

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Civil Action No. 09-11959-JLT

ORDER

May 31, 2011

TAURO, J.

This court ACCEPTS and ADOPTS the May 12, 2011 Report and Recommendation [#18] of Magistrate Judge Bowler. For the reasons set forth in the Report and Recommendation, this court hereby orders that:

1. Magistrate Judge Bowler's order on Defendant's Motion for Entry of Judgment [#14] and her entry of final judgment [#16] are VACATED as void for lack of jurisdiction.
2. Defendant's Motion for Entry of Judgment [#14] is ALLOWED.
3. Plaintiff's Motion to Reverse the Decision of the Commissioner of Social Security [#11] is DENIED WITHOUT PREJUDICE.
4. Pursuant to 42 U.S.C. § 405(g),¹ this action is REVERSED and REMANDED to the Commissioner.

¹ 42 U.S.C. § 405(g) (“The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.”).

5. This case is CLOSED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge