

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Steve A. Preslicka,

Civil No. 07-4237 (PAM/JJK)

Plaintiff,

v.

ORDERMichael J. Astrue,
Commissioner of Social Security,

Defendant.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Jeffrey J. Keyes dated January 8, 2009. The R&R recommended that this Court grant Plaintiff’s Motion for Summary Judgment in part, deny Defendant’s Motion for Summary Judgment, and remand to the Commissioner for proceedings consistent with the R&R.

The Government has no objections to the R&R. The Court therefore **ADOPTS** the R&R (Docket No. 20).

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendant’s Motion for Summary Judgment (Docket No. 18) is **DENIED**;
2. Plaintiff’s Motion for Summary Judgment (Docket No. 12) is **GRANTED in part**; and

3. This matter is remanded to the Commissioner for further proceedings in accordance with the R&R, pursuant to the fourth sentence of 42 U.S.C. § 405(g).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Thursday, February 26, 2009

s/ Paul A. Magnuson _____
Paul A. Magnuson
United States District Court Judge