

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kevin W. Rodewald,

Civil No. 08-5911 (RHK/SRN)

Plaintiff,

ORDER

vs.

Michael J. Astrue, Commissioner of
Social Security,

Defendant.

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson. No objections to the Report and Recommendation were filed.¹ Accordingly, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 15) is **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment (Doc. No. 8) is **GRANTED AS TO REMAND**;
3. Defendant's Motion for Summary Judgment (Doc. No. 12) is **DENIED**; and
4. The case is **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.

Dated: April 16, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge

1. The Court notes, but neither accepts nor approves of, Defendant's gratuitous and self-serving statement that the "defense in this case appears clearly reasonable and well founded in law and fact."