

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JUSTIN S. WILLIAMS,

Civil 09-2813 (JRT/JJG)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Ruth Rivard and Kevin Conneely, **LEONARD STREET AND DEINARD, PA**, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, for plaintiff.

Lonnie Bryan, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated February 1, 2011 [Docket No. 42]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Williams' motion for summary judgment [Docket No. 27] is **GRANTED**.
2. The Commissioner's motion for summary judgment [Docket No. 35] is **DENIED**.
3. The ALJ's decision of November 14, 2008 is **REVERSED AND REMANDED** to the Social Security Administration pursuant to sentence four

of 42 U.S.C. § 405(g) for further proceedings consistent with the findings in the Magistrate Judge's report and recommendation.

4. This litigation is **DISMISSED WITH PREJUDICE.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: February 24, 2011
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge