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UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

Exzabrian W.,

Civ. No. 17-4688 (ADM/BRT)

Plaintiff.

v. Order

Nancy A. Berryhill, Acting Commissioner of Social Security,

Defendant.

James H. Greeman, Esq., Greeman Toomey PLLC, counsel for Plaintiff.

Gregory G. Brooker, Esq., Marisa Silverman, Esq., United States Attorney's Office, counsel for Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Becky R. Thorson dated December 20, 2018. 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, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

- 1. Plaintiff's Motion for Summary Judgment (Doc. No. 12) is **GRANTED**;
- 2. Defendant's Motion for Summary Judgment (Doc. No. 15) is **DENIED**;

and

3. This matter is **REMANDED** to the Commissioner for further proceedings

pursuant to 42 U.S.C. § 405(g) (sentence four). Pursuant to 20 C.F.R. § 404.1527, on

remand the ALJ should evaluate the opinion of Paul Erickson, M.D. that Plaintiff has

marked limitations in his ability to respond appropriately to work pressures in a usual

work setting and give good reasons for the weight accorded to this treating physician's

opinion. The ALJ should consider Dr. Erickson's opinion at steps three, four, and five of

the sequential evaluation process.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: January 8, 2019

s/Ann D. Montgomery
ANN D. MONTGOMERY

United States District Judge

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