

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CHERYL A. COLEMAN,

Plaintiff,

vs.

**MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,**

Defendant.

4:08CV3198

MEMORANDUM AND ORDER

Defendant has filed a Motion to Reverse and Remand (Doc. 20) because the record is incomplete, precluding proper judicial review. The motion is unopposed.

IT IS ORDERED that defendant's Motion (Doc. 20) is granted, as follows:

1. The final decision of the Commissioner is reversed, and this matter is remanded pursuant to sentence four of section 205(g), 42 U.S.C. § 405(g)¹, for a *de novo* hearing before an Administrative Law Judge. The Administrative Law Judge shall conduct a *de novo* hearing and issue a new decision. Plaintiff shall be afforded the opportunity to appear and present new evidence at the hearing.

2. Judgment will be entered separately pursuant to Fed. R. Civ. P. 56.

DATED May 29, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**

¹Sentence four of 42 U.S.C. § 405(g) provides: "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."