

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

COLLEEN OLIVER, on behalf of S.O.,

Plaintiff,

v.

ORDER  
09-CV-652A

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

---

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 26, 2010, Magistrate Judge Scott filed a Report and Recommendation, recommending that plaintiff's motion for judgment on the pleadings be granted, that defendant's motion be denied, the decision of the Commissioner be vacated and the matter remanded for further proceedings.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, plaintiff's motion for judgment on the pleadings is granted, defendant's motion is denied, the decision of the Commissioner is vacated and the matter remanded for further proceedings.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: August 30, 2010