

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:10-CV-298-FL

MICHAEL ANTONY ATKINSON, )

Plaintiff, )

v. )

MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )

Defendant. )

ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones, Jr., regarding the parties’ cross-motions for judgment on the pleadings. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

The court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, plaintiff’s motion is GRANTED, defendant’s motion is DENIED, and this matter is REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the M&R. Plaintiff’s motion to remand this case for consideration of new evidence pursuant to sentence six of 42 U.S.C. § 405(g) is DENIED. The clerk of court is directed to close the case.

SO ORDERED, this the 17<sup>th</sup> day of August, 2011.

  
LOUISE W. FLANAGAN  
Chief United States District Judge