

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:08cv4**

DAVID KEITH DUHL,)	
)	
Plaintiff,)	
)	
Vs.)	
)	
MICHAEL J. ASTRUE, Commissioner of Social Security,)	
)	
Defendant.)	
)	

JUDGMENT

THIS MATTER having come before the court on plaintiff’s Motion for Summary Judgment and the Commissioner’s Motion for Summary Judgment, and the court having determined that summary judgment should be granted for plaintiff and denied as to the Commissioner,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that plaintiff’s Motion for Summary Judgment (#11) is **GRANTED**, the Commissioner’s Motion for Summary Judgment (#15) is **DENIED**, and this matter is **REMANDED** to the Commissioner for purposes of conducting a new hearing pursuant to the fourth sentence of 42, United States Code, Section 405(g), in a manner not inconsistent with the Memorandum of Decision filed simultaneously herewith.

Signed: December 28, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

