

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**LORESA S. FOSTER,** )  
)  
**Plaintiff,** )  
**v.** )  
)  
**NANCY A. BERRYHILL,** )  
**Acting Commissioner of the Social** )  
**Security Administration,<sup>1</sup>** )  
)  
**Defendant.** )

**Case No. CIV-15-379-SPS**

**OPINION AND ORDER**

This matter comes before the Court on the Defendant’s Motion to Alter or Amend Judgment Pursuant to Fed. R. Civ. P. 59(e) [Docket No. 23]. For the reasons set forth by the Court in CIV-15-377-RAW-SPS, *Uitts v. Berryhill*, including the lack of “undue prejudice to the government in remanding on a narrow point when no payment of benefits has yet been ordered,” the Motion of the Defendant [Docket No. 23] is hereby DENIED.

**DATED** this 11<sup>th</sup> day of July, 2017.

  
\_\_\_\_\_  
Steven P. Shreder  
United States Magistrate Judge  
Eastern District of Oklahoma

---

<sup>1</sup> On January 23, 2017, Nancy A. Berryhill became the Acting Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d), Ms. Berryhill is substituted for Carolyn Colvin as the Defendant in this action.