

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

**JIMMY LEE HARJO, JR.,** )

**Plaintiff,** )

**v.** )

**Case No. 14-CV-0201-CVE-TLW**

**CAROLYN W. COLVIN,** )

**Acting Commissioner of** )

**Social Security,** )

**Defendant.** )

**OPINION AND ORDER**

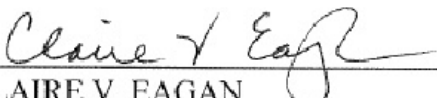
This matter comes on for consideration of the Report and Recommendation (Dkt. # 21) of the magistrate judge recommending that the Commissioner’s decision to deny plaintiff’s claim for disability benefits be reversed and remanded in part and affirmed in part. The magistrate judge recommended that the case be reversed and remanded to allow the ALJ to clarify the visual limitation included in plaintiff’s residual functional capacity (RFC) and the effect that any additional limitations on plaintiff’s vision would have on plaintiff’s ability to perform the jobs identified at step five of the analysis. The magistrate judge also recommended that the ALJ’s credibility analysis be affirmed. Plaintiff objects to the magistrate judge’s recommendation as to the ALJ’s credibility analysis. Dkt. # 22.

Neither party objects to the magistrate judge’s recommendation that the case be reversed and remanded, and the Court accepts the Report and Recommendation to the extent that he recommends that the case be remanded for further administrative proceedings. As to plaintiff’s objection to the ALJ’s credibility analysis, the Court finds that it is unnecessary to consider this objection, because the case is being remanded for further administrative proceedings and the ALJ will be required to

make additional findings that will undoubtedly affect her review of the administrative record and her credibility analysis. See Clifton v. Chater, 79 F.3d 1007 (10th Cir. 1996). The Court declines to issue an advisory opinion on an issue that will be considered by the ALJ on remand of the case, and the report and recommendation is rejected to the extent that the magistrate judge recommends that the ALJ's credibility determination be affirmed. Saterlee v. Astrue, 450 F. App'x 753, 755 (10th Cir. Dec. 12, 2011).

**IT IS THEREFORE ORDERED** that the Report and Recommendation (Dkt. # 21) is **accepted in part and rejected in part**; the report and recommendation is accepted as to the magistrate judge's recommendation that the case be reversed and remanded for further consideration of plaintiff's vision limitation and plaintiff's RFC, but the report and recommendation is rejected as to affirmance of the ALJ's credibility determination. The Commissioner's decision to deny plaintiff's claim for disability benefits is **reversed and remanded**. A separate judgment is entered herewith.

**DATED** this 11th day of August, 2015.

  
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CLAIRE V. EAGAN  
UNITED STATES DISTRICT JUDGE