

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

MICHAEL V. SMALL,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	NO. 06-2850
MICHAEL J. ASTRUE,	:	
Commissioner of Social Security,	:	
Defendant.	:	

ORDER

AND NOW, this 1st day of November, 2010, after careful review and independent consideration of Plaintiff's Brief and Statement of Issues in Support of Request for Review (Document No. 14, filed February 25, 2010), Defendant's Response to Request for Review of Plaintiff (Document No. 15, filed March 29, 2010), Plaintiff's Reply to Defendant's Response Opposing Plaintiff's Request for Review (Document No. 19, filed April 20, 2010), the record in this case, and the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated September 30, 2010 (Document No. 20), no objections having been filed, and good cause appearing, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated September 30, 2010, is **APPROVED** and **ADOPTED**;
2. Plaintiff's Request for Review is **GRANTED IN PART** and **DENIED IN PART**, as follows:
 - a. That part of the Request for Review in which plaintiff seeks a finding of disability from April 1, 2001, though December 31, 2003, is **GRANTED**.
 - b. Plaintiff's Request for Review is **DENIED** in all other respects; and,

3. The case is **REMANDED** to the Commissioner of the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g) for the purpose of calculating benefits for the closed period April 1, 2001, through December 31, 2003.

BY THE COURT:

/s/ Jan E. DuBois

JAN E. DUBOIS, J.