

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

STEVEN BAYLIS,
Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of
Social Security

Defendant.

Civil Action No. 09-2217

ORDER

AND NOW, this 9th day of August 2010, upon consideration of the plaintiff's Motion for Summary Judgment, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, for the reasons provided in the accompanying Memorandum, it is hereby ORDERED that:

1. Report and Recommendation is NOT APPROVED and NOT ADOPTED
2. Plaintiff's Motion of Summary Judgment (docket no. 8) is GRANTED insofar as plaintiff requests a remand;
3. The matter is REMANDED to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with this Memorandum and Order.

JUDGMENT

AND NOW, this 9th day of August, 2010, in accordance with *Kadelski v.*

Sullivan, 30 F.3d 399 (3d Cir.1994), and Rule 58 of the Federal Rules of Civil Procedure, it is hereby ORDERED that JUDGMENT is entered REVERSING the final decision of the Commissioner of Social Security and REMANDING the matter to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with my Memorandum and Order of today.

BY THE COURT:

/s/ Louis H. Pollak
Pollak, J.