

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

TONI ANN BROOKS	:	CIVIL ACTION
	:	
v.	:	
	:	
MICHAEL J. ASTRUE	:	NO. 12-1798

ORDER

AND NOW, this 12th day of December, 2012, upon careful and independent consideration of plaintiff Toni A. Brooks's brief and statement of issues in support of request for review (docket entry # 9), defendant Michael J. Astrue's response thereto (docket entry # 11), and the Honorable Thomas J. Rueter's thorough and well-reasoned report and recommendation (docket entry # 14), to which neither party has filed an objection within the period specified by Loc. R. Civ. P. 72.1 IV (b), and the Court agreeing with Judge Rueter that substantial evidence does not support the ALJ's determination that plaintiff is not disabled and retains the residual functional capacity to perform work which exists in the economy, it is hereby ORDERED that:

1. Judge Rueter's report and recommendation (docket entry # 14) is APPROVED and ADOPTED;
2. Brooks's request for review (docket entry # 9) is GRANTED IN PART and DENIED IN PART;

3. This case is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with Judge Rueter's report and recommendation (docket entry # 14); and

4. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.