

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

SHEENA LEIGH HICKMAN,

Plaintiff,

v.

SOCIAL SECURITY ADMINISTRATION

Defendant.

)
)
)
)
)
)
)
)
)
)

No. 1:16-cv-00097

Chief Judge Crenshaw

ORDER

The Magistrate Judge has entered a Report and Recommendation (Doc. No. 15) recommending that Plaintiff's First Motion for Judgment on the Record (Doc. No. 13) be granted in part and denied in part, and that the case be remanded to the Social Security Administration to allow the Administrative Law Judge "to conduct a proper credibility assessment, and reconsider his disability determination based on that reassessment." (Doc. No. 15 at 1). No objections have been filed to the Report and Recommendation. Having undertaken the *de novo* review required by Rule 72 of the Federal Rules of Civil Procedure, the Court agrees with the recommended disposition.

Accordingly, the Report and Recommendation (Doc. No. 25) is **ADOPTED**, Plaintiff's First Motion for Judgment on the Record (Doc. No. 13) is **GRANTED** insofar as she seeks a remand, and this case is hereby **REMANDED** to the Commissioner for further proceedings in accordance with 42 U.S.C. § 405(g).

Even though a remand under § 405(g) "makes the plaintiff a 'prevailing party'" under the Equal Access to Justice Act, Turner v. Comm'r of Soc. Sec., 680 F.3d 721, 723 (6th Cir. 2012), Plaintiff filed her Motion for Attorney's Fees (Doc. No. 16) prematurely. That Motion is **DENIED**

WITHOUT PREJUDICE to refiling.

The Clerk of the Court shall enter a final judgment in accordance with Rule 58.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Waverly D. Crenshaw, Jr.", written over a horizontal line.

WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE