

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TERESA SMITH

§

v.

§

§ **CIVIL ACTION NO. 5:17-CV-5-RWS-CMC**

§

**COMMISSIONER
OF SOCIAL SECURITY**

§

§

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. No objections to the Report and Recommendation were filed. The Court agrees with the Magistrate Judge that the Administrative Law Judge ("ALJ") did not sufficiently consider the opinion of Plaintiff's treating physician, Dr. House, in accordance with 20 C.F.R. § 404.1527, SSR 96-2p at 61, and *Newton v. Apfel*, 209 F.3d 448, 456 (5th Cir. 2000). Nor did the ALJ discuss the consistency between the opinions of Dr. House and Dr. Moore, the Commissioner's own medical examiner.

Having reviewed the record and there being no grounds of plain error or manifest injustice in the findings of facts and conclusions of law of the Magistrate Judge, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 18) as the findings and conclusions of this Court. Accordingly, it is

ORDERED that Plaintiff's above-entitled Social Security action is hereby **REVERSED AND REMANDED**. It is further

ORDERED that all motions not previously ruled on are **DENIED**, and the referral order is **VACATED**.

SIGNED this 13th day of March, 2018.

Robert W Schroeder III
ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE