

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

TYLER DIVISION

THOMAS SMITH	§	
v.	§	CIVIL ACTION NO. 6:10-CV-283
COMMISSIONER, SOCIAL SECURITY ADMINISTRATION	§	
	§	

ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the action be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) with instructions for further consideration of Plaintiff’s evidence submitted after the ALJ’s decision in accordance with this determination and the Fifth Circuit’s reasoning in *Hunter v. Astrue*, 283 Fed. Appx. 261, 263 & n.7 (5th Cir. 2008) (per curiam), and the cases it cites. No written objections have been filed. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court. In light of the foregoing, it is

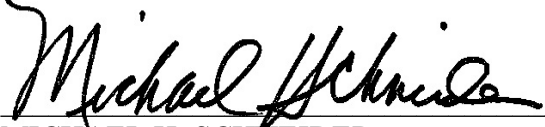
**ORDERED** that the Commissioner's final decision is hereby **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) with instructions for further consideration consistent

with the findings above. It is further

**ORDERED** that any motion not previously ruled on is **DENIED**.

**It is SO ORDERED.**

**SIGNED this 22nd day of February, 2012.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE