

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

KENNETH E. SIMS,

*Plaintiff,*

v.

CAROLYN COLVIN, *acting Commissioner  
of Social Security Administration,*

*Defendant.*

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CIVIL ACTION H-13-450

**ORDER OF REMAND**

Pending before the court is the Magistrate Judge's Memorandum and Recommendation ("M&R") regarding Plaintiff Kenneth E. Sims's Motion for Summary Judgment (Dkt. 16) and Defendant's Cross-Motion for Summary Judgment (Dkt. 13). No objections have been filed. Thus, after considering the motions, related documents in the record, the M&R, and applicable law, the court is of the opinion that the M&R should be ADOPTED. The M&R is therefore ADOPTED in its entirety.

In accordance with the Magistrate Judge's recommendation, Plaintiff's Motion for Summary Judgment (Dkt. 16) is GRANTED, and Defendant's Cross-Motion for Summary Judgment (Dkt. 13) is DENIED. It is ORDERED that the decision of the Administrative Law Judge is REVERSED and this case is REMANDED to the Commissioner of Social Security, pursuant to the fourth sentence of 42 U.S.C. § 405(g), for the further administrative proceedings consistent with the findings of the Magistrate Judge.

Signed at Houston, Texas on June 25, 2014.

  
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Gray H. Miller  
United States District Judge

