

United States District Court
Southern District of Texas

ENTERED

November 08, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HILDA ROSE MORGAN,

Petitioner,

v.

CAROLYN W. COLVIN,
Commissioner of the Social Security
Administration,

Respondent.

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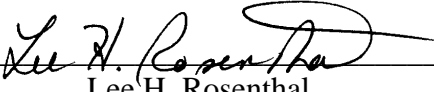
CIVIL ACTION NO. H-15-2784

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
AND GRANTING THE PLAINTIFF’S MOTION FOR SUMMARY
JUDGMENT AND DENYING THE DEFENDANT’S MOTION
FOR SUMMARY JUDGMENT AND REMANDING**

This court has reviewed the United States Magistrate Judge’s October 3, 2016 Memorandum and Recommendation on the parties’ cross-motions for summary judgment. This court has made a *de novo* determination of the motions and disposition. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on the pleadings, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court’s Memorandum and Order. This court finds and concludes that the Administrative Law Judge’s decision denying Hilda Rose Morgan Social Security benefits was not supported by substantial evidence in the record. In addition, the judge failed to explain the decision to give great weight to the opinions of two state agency examiners and of Dr. McLendon, and to give little if any weight to Dr. Johnson’s opinion. Both prejudiced Ms. Morgan. Hilda Rose Morgan’s motion for summary judgment, Docket Entry No. 13, is granted, and the Commissioner’s cross-motion for summary judgment, Docket Entry No. 11, is denied.

The decision of the Administrative Law Judge is reversed and this matter is remanded to the Social Security Administration for proceedings consistent with this opinion.

SIGNED on November 8, 2016, at Houston, Texas.



Lee H. Rosenthal
United States District Judge