

United States District Court
Southern District of Texas

ENTERED

March 01, 2018

David J. Bradley, Clerk

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

RONALD EUGENE NUNLEY,

Plaintiff,

v.

CAROLYN W. COLVIN¹,

Defendant.

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CIVIL ACTION H-17-00072

ORDER


Pending before the court is a memorandum and recommendation (“M&R”) entered by Magistrate Judge Nancy Johnson on February 14, 2018. Dkt. 21. Plaintiff Ronald Nunley filed this action for judicial review of an unfavorable decision by the Social Security Administration Commissioner. Dkt. 1. Nunley filed a motion for summary judgment. Dkt. 14. Defendant Nancy A. Berryhill filed a cross-motion for summary judgment. Dkt. 18. The Magistrate Judge recommends granting Nunley’s motion and denying Berryhill’s motion. Dkt. 21. Berryhill did not file any objections to the M&R.

After reviewing the M&R, motions, responses, and applicable law, the court agrees with the Magistrate Judge that Nunley’s motion should be granted and Berryhill’s motion should be denied. The court finds no clear error on the face of the record. Fed. R. Civ. P. 72(b), Advisory Comm. Note (1983). Accordingly, the M&R is ADOPTED IN FULL, Nunley’s motion for summary judgment (Dkt. 14) is GRANTED, and Berryhill’s cross-motion for summary judgment (Dkt. 18) is DENIED.

¹Carolyn W. Colvin was the Commissioner of the Social Security Administration at the time that Nunley filed this case. Now, Nancy A. Berryhill is the Acting Commissioner and, as such, is automatically substituted as the defendant in this case. *See* 42 U.S.C. § 405(g); Fed. R. Civ. P. 25(d).

The case is REMANDED for further consideration of the reliability of SkillTRAN and the vocational expert's testimony, including development of the record and an explanation of the ALJ's reliability determination.

Signed at Houston, Texas on March 1, 2018.



Gray H. Miller
United States District Judge