IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

RICHARD F. RIGGINS,)
Plaintiff,) Case No. 1:10CV00030
v.)) JUDGMENT
MICHAEL J. ASTRUE,) By: James P. Jones
COMMISSIONER OF) United States District Judge
SOCIAL SECURITY,)
)
Defendant.)

Based upon the court's de novo review of those portions of the magistrate judge's Report filed January 24, 2011, to which the defendant objected, it is **ADJUDGED AND ORDERED** as follows:

- 1. The Report and its findings and recommendations are wholly ACCEPTED and APPROVED;
 - 2. The motions for summary judgment by the parties are DENIED;
- 3. The final decision of the Commissioner of Social Security is VACATED and this action is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
 - 4. The clerk will close this case.

ENTER: April 14, 2011

/s/ JAMES P. JONES
United States District Judge