

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

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|---|---|-------------------------------------|
| JERRY L. RUNION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 5:12cv00126 |
| v. |) | |
| |) | |
| CAROLYN W. COLVIN, |) | By: Michael F. Urbanski |
| Commissioner of Social Security, |) | United States District Judge |
| |) | |
| Defendant. |) | |

ORDER

This matter was referred to the Honorable B. Waugh Crigler, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on September 17, 2013, recommending that the Commissioner's motion for summary judgment be denied, that the plaintiff's motion for summary judgment be granted, and that this case be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. No objections to the report and recommendation have been filed, and the court is of the opinion that the report and recommendation should be adopted in its entirety. It is accordingly **ORDERED** as follows:

1. The September 17, 2013 report and recommendation (Dkt. # 27) is **ADOPTED** in its entirety;
2. Plaintiff's motion for summary judgment (Docket # 17) is **GRANTED in part**;
3. The Commissioner's motion for summary judgment (Docket # 23) is **DENIED**;
4. This case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further consideration consistent with the report and recommendation; and
5. This matter is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

Entered: November 14, 2013

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge