

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JUDY L. PRITCHETT,)
)
 Plaintiff,)
)
 v.)
)
 MICHAEL J. ASTRUE, Commissioner of)
 Social Security,)
)
 Defendant.)

NO. 10-CV-804-WDS

MEMORANDUM AND ORDER

STIEHL, District Judge:

This matter is before the Court on a Report and Recommendation (Doc. 27) of United States Magistrate Judge Clifford J. Proud that plaintiff's motion for summary judgment (Doc. 23) be granted¹, that judgment be entered in favor of the plaintiff and that the Commissioner's final decision be reversed and remanded for rehearing and reconsideration of the evidence pursuant to sentence four (4) of 42 U.S.C. § 405(g). The magistrate judge's Report and Recommendation included a notice that objections were to be filed on or before July 25, 2011. To date, no objections have been filed.

Upon review of the record, the Court **ADOPTS** the magistrate judges' Report and Recommendation and **GRANTS** plaintiff's motion for summary judgment and the decision of the

¹The Recommendation states, in the conclusion, that the motion should be "denied" but, that recommendation is clearly an error. The recommendation language and discussion concludes that the Commissioner's decision was based on legal errors and was not supported by substantial evidence. Moreover, the recommendation is that judgment be entered in favor of the movant, plaintiff. Accordingly, the Court construes the concluding paragraph to have intended to include the recommendation that the Court *grant* (not deny) summary judgment.

Commissioner is **REVERSED** and this matter is **REMANDED** to the Commissioner for rehearing and reconsideration of the evidence pursuant to Sentence four (4) of 42 U.S.C. §405(g).

The Clerk of the Court is directed to enter judgment accordingly. Each party shall bear its own costs.

IT IS SO ORDERED.

DATE: 11 October, 2011

/s/ WILLIAM D. STIEHL
DISTRICT JUDGE