

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

RICHARD NINEMIRES,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

CIVIL ACTION

No. 07-2007-KHV

ORDER

Richard Ninemires appeals the final decision of the Commissioner of Social Security to deny disability insurance benefits and supplemental security income. On September 24, 2007, Magistrate Judge John Thomas Reid recommended that the Commissioner's decision be reversed and that this case be remanded pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings. See Report And Recommendation (Doc. #12). The deadline for written objections to the report and recommendation was October 9, 2007. See Rules 72(a) and 6(a), Fed. R. Civ. P. The parties have not objected. The Court hereby adopts the Report And Recommendation (Doc. #12) in its entirety.

IT IS THEREFORE ORDERED that the Commissioner's decision be and hereby is **REVERSED**. This case is **REMANDED** pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings.

Dated this 25th day of October, 2007, at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge