

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

**KENNETH DVORAK,**

**Plaintiff,**

**v.**

**Case No: 08-2252-JWL**

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

**Defendant.**

**ORDER**

On August 4, 2008, the defendant filed a Motion to Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g) (doc. 4). On August 22, 2008, a Report and Recommendation (doc. 6) was issued by Magistrate Judge Reid recommending that the defendant's motion to remand be granted. The time for filing objections to the Report and Recommendation has passed and to date no objections have been filed.

IT IS THEREFORE ORDERED BY THE COURT that the Report and Recommendation filed by Magistrate Judge Reid is adopted and the defendant's Motion to Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g) (doc. 4) is granted. This case is remanded for further administrative proceedings as necessary to determine whether plaintiff is disabled within the meaning of the Social Security Act. Pursuant to sentence six of § 405(g) , the court retains jurisdiction over the matter and judgment should not be entered.

Pursuant to D. Kan. Rule 83.7.2, within 10 days of the filing of the transcript by the

Commissioner the plaintiff shall either file an amended complaint or a stipulation of dismissal.

IT IS SO ORDERED.

Dated this 19<sup>th</sup> day of September, 2008, at Kansas City, Kansas.

s/ John W. Lungstrum  
John W. Lungstrum  
United States District Judge