

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
September 30, 2008
Elisabeth A. Shumaker
Clerk of Court

PATRICK STANLEY,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,

Defendant - Appellee.

No. 08-4019
(D.C. No. 2:07-CV-00042-BSJ)

ORDER

Before **KELLY, MURPHY**, and **McCONNELL**, Circuit Judges.

Pending before the Court is “Appellee’s Motion to Reverse with Remand” (the “Motion”). The Motion is unopposed. Appellee has reviewed Appellant's case and determined that a remand for further administrative proceedings is appropriate and that the continuation of this appeal is unnecessary.

Accordingly, the motion is granted. The judgment of the District Court for the District of Utah is vacated and the case is remanded to that court for the entry of an order of remand pursuant to the fourth sentence of 42 U.S.C. § 405(g).

The district court's order shall declare that the case shall be remanded to the Appeals Council of the Social Security Administration and that the Council shall then finally remand the case to an administrative law judge to conduct a *de novo* administrative hearing and to issue a new decision as to whether the appellant is entitled to Supplemental Social Security income.

The mandate shall issue forthwith.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script that reads "Lara Smith".

by: Lara Smith
Counsel to the Clerk