

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GARY EDGAR,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

ORDER

04-C-820-C

On June 16, 2005, this court entered an order reversing and remanding the decision of the defendant commissioner denying plaintiff Gary Edgar's applications for disability insurance benefits and supplemental security income. On November 16, 2005, this court received a letter from plaintiff in which he complains that the commissioner has not paid him benefits for the period October 20, 2000 to January 2003 or January 2004. I construe plaintiff's letter as a motion for a finding of contempt for the commissioner's failure to comply with this court's June 16 order.

Plaintiff's motion, so construed, will be denied. The case was remanded because it was unclear from the administrative law judge's decision whether he had adequately considered all the evidence related to plaintiff's mental impairments in arriving at his conclusion that plaintiff was not disabled. In ordering the case remanded, this court did not order the commissioner to pay benefits to plaintiff for the period in question or offer an opinion about the ultimate merits of plaintiff's disability claim. The commissioner remained

free upon remand to deny plaintiff's claim, so long as she took into account the evidence discussed in the report and recommendation of the magistrate judge. If the commissioner has in fact reconsidered plaintiff's claim and has reached a decision that plaintiff thinks is incorrect, plaintiff may file a new civil action after exhausting his administrative remedies.

Entered this 18th day of November, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge