

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

CHRISTOPHER MUELLER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

ORDER

13-cv-514-bbc

On July 22, 2013, plaintiff Christopher Mueller filed a motion under 42 U.S.C. § 405(g), seeking review of the defendant commissioner's final decision that he was not disabled. On July 29, 2014, following full briefing by the parties, the court entered judgment in favor of the commissioner. Plaintiff appealed. While the appeal was pending, counsel filed a joint motion under Fed. R. Civ. P. 62.1(1)(3), seeking an indication from this court that it would be inclined to grant relief from the July 29, 2014 judgment should the court of appeals remand the case for that purpose. On November 21, 2014, this court entered such an order. On December 16, 2014, the court of appeals remanded the case under Fed. R. App. P. 12.1 and Cir. R. 57 for a ruling on counsel's joint motion for judgment reversing the commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remanding the case to the commissioner. The motion will be granted.

On remand, an administrative law judge will evaluate (1) plaintiff's obesity; (2) the treating opinion of Dr. Wolfe; (3) the claimant's credibility; and (4) further assess the

claimant's residual functional capacity, and if warranted, obtain supplemental vocational expert testimony.

ORDER

IT IS ORDERED that the decision of the Acting Commissioner of Social Security in this case is REVERSED and the case is REMANDED to the commissioner.

Entered this 17th day of December, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge