

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

m 02-20029

RUSSELL S. BUCSANYI,

Plaintiff-Appellant,

VERSUS

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(H-01-CV-2406)

December 4, 2002

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that the "Commissioner's Unopposed Motion To Reverse and Remand for Further Administrative Proceedings" is

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

GRANTED. Specifically, the judgment of the district court is VACATED, and this matter is REMANDED to the district court, which is directed to enter final judgment remanding this matter to the Commissioner of Social Security for further administrative proceedings, pursuant to the fourth sentence of 42 U.S.C. § 405(g).

This court appreciates the candor of the Commissioner's attorney in acknowledging, albeit only a few days before oral argument, that counsel "does not believe the [administrative law judge's] decision is defensible."