

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

NOTICE OF ISSUANCE OF MANDATE

December 2, 2009

To: Laura A. Briggs
UNITED STATES DISTRICT COURT
Southern District of Indiana
United States Courthouse
Indianapolis , IN 46204-0000

No.: 09-2413	<p>JAMES M. HARDESTY, Plaintiff - Appellant</p> <p>v.</p> <p>MICHAEL J. ASTRUE, Defendant - Appellee</p>
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Originating Case Information:
<p>District Court No: 1:07-cv-01396-LJM-DML Southern District of Indiana, Indianapolis Division District Judge Larry J. McKinney</p>

Herewith is the mandate of this court in this appeal, along with the Bill of Costs, if any. A certified copy of the opinion/order of the court and judgment, if any, and any direction as to costs shall constitute the mandate.

RECORD ON APPEAL STATUS:

No record to be returned



NOTE TO COUNSEL:

If any physical and large documentary exhibits have been filed in the above-entitled cause, they are to be withdrawn ten (10) days from the date of this notice. Exhibits not withdrawn during this period will be disposed of.

Please acknowledge receipt of these documents on the enclosed copy of this notice.

Received above mandate and record, if any, from the Clerk, U.S. Court of Appeals for the Seventh Circuit.

Date:

Received by:

12/02/09

Theresa M. Amato

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A True Copy

Teste:


Deputy Clerk
of the United States
Court of Appeals for the
Seventh Circuit

ORDER

December 2, 2009

BEFORE

FRANK H. EASTERBROOK, Chief Judge

No.: 09-2413	<p>JAMES M. HARDESTY, Plaintiff - Appellant</p> <p>v.</p> <p>MICHAEL J. ASTRUE, Defendant - Appellee</p>
Originating Case Information:	
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Upon consideration of the **APPELLEE'S MOTION FOR REMAND PURSUANT TO SEVENTH CIRCUIT RULE 57**, filed on November 30, 2009, by counsel for the appellant,

IT IS ORDERED that the motion is **GRANTED**. In light of the district court's indication of its willingness to modify its judgment, this appeal is **REMANDED** to the district court for further proceedings. The parties are reminded that a new notice of appeal must be filed by any party dissatisfied with the judgment as modified. *See* Cir. R. 57. The mandate in this appeal shall issue forthwith.