IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

DELBERT SKELTON   PLAINTIFF

vs.   Civil No. 4:15-cv-04069

CAROLYN COLVIN,   DEFENDANT
Commissioner, Social Security Administration

MEMORANDUM OPINION

On December 11, 2015, Defendant filed an Unopposed Motion to Remand. ECF No. 11.[1]

Defendant states she has contacted Plaintiff's counsel who does not oppose the motion. *Id.* The

parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings

in this case, including conducting the trial, ordering the entry of a final judgment, and conducting

all post-judgment proceedings. ECF No. 4. Pursuant to this authority, the Court issues this

memorandum opinion and orders the entry of a final judgment in this matter.

Defendant requests a remand so the Commissioner may conduct further administrative

proceedings. ECF No. 11. Specifically, Defendant requests that upon remand, further consideration

be given to the issue of whether Plaintiff was unable to engage in any substantial gainful activity for

a period lasting or expected to last a duration of twelve months. *See* 42 U.S.C. § 423(d)(1)(A).

This Court finds this motion is well-taken and Defendant's Unopposed Motion to Remand

(ECF No. 11) should be **GRANTED.** The Commissioner's decision is reversed, and this matter is

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[1] The docket numbers for this case are referenced by the designation "ECF No." The transcript pages for
this case are referenced by the designation "Tr."

hereby remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. In

addition, the undersigned finds the Plaintiff's Complaint should be and hereby is dismissed without

prejudice. Plaintiff may still, however, file a motion for attorney's fees pursuant to the Equal Access

to Justice Act, 28 U.S.C. § 2412.

A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil

Procedure 52 and 58.

ENTERED this 23rd day of December 2015.

/s/   Barry A. Bryant
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE