Rhymes v. Colvin (CONSENT) Doc. 25

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

GREGORY RHYMES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:14-cv-22-CSC
	)	
CAROLYN W. COLVIN,	)	
ACTING COMMISSIONER OF	)	
SOCIAL SECURITY,	)	
	)	
Defendant.	)	

OPINION AND ORDER

On January 27, 2015, the defendant filed a motion to reverse and remand for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. 23). The plaintiff does not object to a remand. In addition, the parties have consented to the entry of final judgment by the United States Magistrate Judge. See 28 U.S.C. § 636(c). Accordingly, it is

ORDERED that the defendant's motion to remand (Doc. 23) be and is hereby **GRANTED**. It is further

ORDERED that the oral argument set for January 29, 2015 be and is hereby **CANCELLED**. It is further

ORDERED AND ADJUDGED that the decision of the Commissioner be and is hereby **REVERSED** and this case be and is hereby **REMANDED** to the Commissioner for further proceedings. Finally, it is

ORDERED that, in accordance with *Bergen v. Comm'r of Soc. Sec.*, 454 F.3d 1273,

Dockets.Justia.com

1278 n.2 (11 Cir. 2006), the plaintiff shall have ninety (90) days after she receives notice of any amount of past due benefits awarded to seek attorney's fees under 42 U.S.C. § 406(b). See also *Blitch v. Astrue*, 261 Fed. Appx. 241, 242 fn.1 (11th Cir. 2008).

A separate order will be entered.

Done this 27th day of January, 2015.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE