

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

SANDY JEAN SHEPHERD,)
)
Plaintiff,)
)
v.)
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security)
)
Defendant.)

CASE NO. 2:13-cv-277-TFM
[wo]

OPINION AND ORDER

On October 31, 2013, the defendant filed an unopposed motion to reverse and remand for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) (Doc. 16). The plaintiff does not object to a remand. In addition, the parties have consented to 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 (Doc. 16) be and hereby is GRANTED. 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 F3d 1273, 1278 fn.2 (11th 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, 241 fn. 1 (11th Cir. 2008).

DONE this 1st day of November, 2013.

/s/ Terry F. Moorner
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE