

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

ROY JACK NEWMAN,)
)
 Plaintiff,)
)
 v.)
)
 CAROLYN W. COLVIN,)
 Acting Commissioner of)
 Social Security¹)
)
 Defendant.)

CASE NO.3:12-cv-941-TFM
[wo]

MEMORANDUM OPINION AND ORDER

On January 29, 2013 the defendant filed an Unopposed Motion and Memorandum for Entry of Judgment Under Sentence Six of 42 U.S.C. § 405 (g). (Doc. 10). The plaintiff does not object to remand pursuant to sentence six of 42 U.S.C. § 405 (g). In addition, pursuant to 28 U.S.C. § 636 (c)(1) and M.D. Ala. LR 73.1, the parties have consented to the United States Magistrate Judge conducting all proceedings in this case and ordering the entry of final judgment. Accordingly, it is

ORDERED as follows that:

1. The defendant’s motion to remand (Doc. 10) be and is hereby GRANTED.
2. The decision of the Commissioner be and is hereby REVERSED and this case be and is hereby REMANDED to the Commissioner pursuant to sentence six of 42 U.S.C. § 405 (g) for further proceedings.

¹ On February 14, 2013, Carolyn W. Colvin became the Acting Commissioner of Social Security.

3. The Clerk of the Court shall close this case pending a final decision by the Commissioner on remand.
4. Within sixty (60) days of the final decision of the Commissioner of Social Security following remand, if the decision is adverse to the plaintiff, the Commissioner shall file with the Clerk of the Court a motion to reopen and an answer, and shall serve on the plaintiff a copy for the administrative record.
5. Within sixty (60) days of the final decision of the Commissioner of Social Security following remand, if the decision is favorable to the plaintiff, the Commissioner shall file with the Clerk of the Court a motion to reopen and a motion for entry of final judgment for the plaintiff.

Done this 5th day of March, 2013.

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