

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

|   |   |                          |
|---|---|--------------------------|
| WALTER S. MOTEN, JR.,                   | ) |                          |
|   | ) |                          |
| Plaintiff,                              | ) |                          |
|   | ) |                          |
| v.                                      | ) | CASE NO. 3:21-cv-542-JTA |
|   | ) |                          |
| KILOLO KIYAKAZI,                        | ) | (WO)                     |
| Acting Commissioner of Social Security, | ) |                          |
|   | ) |                          |
| Defendant.                              | ) |                          |

**MEMORANDUM OPINION AND ORDER**

Before the Court is the Unopposed Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to Defendant, filed by the Acting Commissioner of Social Security (“Commissioner”) on February 22, 2022. (Doc. No. 16.) The Acting Commissioner states remand is appropriate so the agency can further evaluate the medical evidence of record.

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds “either . . . the decision is not supported by substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim.” *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).

Here, the Court finds remand necessary as the Acting Commissioner concedes that further evaluation of the medical record, particularly the records of Dr. Savage, is necessary. (*See* Doc. No. 16 at 1.) Moreover, Plaintiff does not oppose the motion. (*See id.*) Further, pursuant to 28 U.S.C. § 636(c)(1) and Rule 73 of the Federal Rules of Civil Procedure, the parties have consented to the full jurisdiction of the undersigned United States Magistrate Judge. (Docs. No. 14, 15.)

Accordingly, it is hereby

ORDERED as follows:

1. The Commissioner's motion (Doc. No. 16) is GRANTED.
2. The decision of the Commissioner is hereby REVERSED.
3. This matter is hereby REMANDED to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A separate final judgment will issue.

DONE this 22nd day of February, 2022.



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JERUSHA T. ADAMS  
UNITED STATES MAGISTRATE JUDGE