

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

WILLIE S.,)
)
Plaintiff,)
)
v.) CASE NO. 3:24-cv-617-JTA
)
MICHELLE KING, Acting)
Commissioner of Social Security,¹)
)
Defendant.)

MEMORANDUM OPINION AND ORDER

Before the Court is Defendant's Unopposed Motion for Entry of Judgment with Remand. (Doc. No. 17.) In the motion, the Commissioner states remand is appropriate pursuant to sentence four of 42 U.S.C. § 405(g) for further consideration and administrative action. (Doc. No. 17 at 2.)

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).

¹ Michelle King became the Acting Commissioner of Social Security on January 20, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Michelle King is automatically substituted for Martin J. O'Malley as the defendant in this suit.

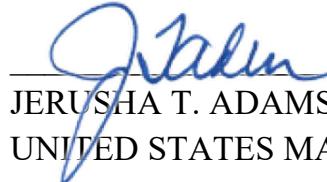
Here, the Court finds remand necessary as the Commissioner concedes that further administrative action is in order. Moreover, Plaintiff does not oppose the motion. (Doc. No. 17 at 1.) Further, pursuant to 28 U.S.C. § 636(c)(1) and Rule 73 of the Federal Rules of Civil Procedure, the parties have consented to the full jurisdiction of the undersigned United States Magistrate Judge.

Accordingly, it is hereby ORDERED as follows:

1. The Commissioner's unopposed motion (Doc. No. 17) 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 judgment will issue.

DONE this 6th day of February, 2025.



JERUSAH T. ADAMS
UNITED STATES MAGISTRATE JUDGE