

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

<b>CECIL M. DAVIS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 5:13-cv-1149-JEO</b>
	)	
<b>CAROLYN W. COLVIN, Acting</b>	)	
<b>Commissioner of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM OPINION**

This case is before the court on Defendant’s unopposed Motion for Entry of Judgment Under 42 U.S.C. § 1383(c)(3) and Sentence Four of 42 U.S.C. § 405(g) with Remand of the Cause to the Defendant (doc. 14), filed January 8, 2014. There being no opposition, the motion is due to be granted.

Under 42 U.S.C. § 1383(c)(3) and sentence four of 42 U.S.C. § 405(g), this court has the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Secretary, with or without remanding the cause for a rehearing.<sup>1</sup> 42 U.S.C. § 405(g); *see Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Accordingly, this case is due to be remanded to the Commissioner in order for the ALJ to further consider Plaintiff’s mental impairments and residual functional capacity in light of the opinion evidence provided by Dr. Rogers; to obtain, if necessary, evidence from a psychological medical expert of a vocational expert to clarify the effect of the assessed limitations on Plaintiff’s

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<sup>1</sup> The parties have consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c). (Doc. 9).

occupational base; and for any other proceedings that may be necessary for the proper disposition of this matter. The court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

**DONE** this 8th day of January, 2014.

A handwritten signature in black ink that reads "John E. Ott" with a long horizontal flourish extending to the right.

**JOHN E. OTT**

Chief United States Magistrate Judge