

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

VIRGIL BURNS

Plaintiff

v.

2:08CV00151 HLJ

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration,

Defendant

ORDER

Defendant has filed a motion to remand this case pursuant to sentence four of 42 U.S.C. § 405(g) (1995):

The court shall have the power 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.

The Commissioner seeks remand for further development of the record and to issue a new decision. Defendant's motion states that counsel for Plaintiff was contacted and had no objection. Under the circumstances, a sentence four remand is appropriate. Buckner v. Apfel, 213 F.3d 1006, 1010-11 (8th Cir. 2000).

Accordingly, it is hereby

ORDERED that Defendant's motion to remand (docket #14) is hereby granted. All other pending motions are hereby rendered moot. This is a "sentence four" remand. This dismissal is without prejudice to Plaintiff's subsequent filing for attorney's fees under the Equal

Access to Justice Act.

DATED this 10th day of April, 2009.

Henry L. Jones, Jr.

UNITED STATES MAGISTRATE JUDGE