

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

WILLIAM MORGAN

PLAINTIFF

VS.

3:09CV00057 JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration,

DEFENDANT

ORDER

The Commissioner has filed an unopposed Motion (docket entry #15) 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. Under these circumstances, a sentence four remand is appropriate. *See Buckner v. Apfel*, 213 F.3d 1006, 1010-11 (8th Cir. 2000).

IT IS THEREFORE ORDERED THAT Defendant's Motion to Remand (docket entry #15) is GRANTED. 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 24th day of November, 2009.


UNITED STATES MAGISTRATE JUDGE