

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

DIANE COMBS

PLAINTIFF

v.

CASE NO. 3:10CV00145-JTK

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):

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 Commission 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 advises the Court that Plaintiff has no objection to the requested remand. Under the circumstances, a sentence four remand is appropriate. *Buckner v. Apfel*, 213 F.3d 1006, 1010-11 (8th Cir. 2000).

Accordingly, it is

ORDERED that Defendant's motion to remand (Doc. No. 14) is hereby 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 16<sup>th</sup> day of December, 2010.



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UNITED STATES MAGISTRATE JUDGE