

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

SHUNDA SIMS

PLAINTIFF

v.

4:04CV00665 JMM/JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

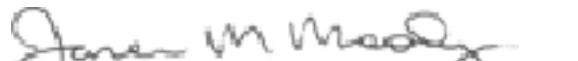
Defendant has filed a Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g) (1995). In pertinent part, this statute provides the following:

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 to further develop the record, hold a new hearing, reevaluate the evidence, and issue a new decision. Plaintiff has not filed a Response objecting to the requested remand. Under these circumstances, a sentence four remand is appropriate. *Buckner v. Apfel*, 213 F.3d 1006, 1010-11 (8th Cir. 2000).

IT IS THEREFORE ORDERED that Defendant's Motion to Remand (docket entry #33) be hereby granted. All other pending motions are rendered moot. Because this is a "sentence four" remand, it is without prejudice to Plaintiff's right to seek attorney's fees under the Equal Access to Justice Act.

DATED this 4th day of February, 2009.


UNITED STATES DISTRICT JUDGE