

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

EVORA McJOY

PLAINTIFF

V.

CASE NO. 5:07CV00150-BSM-HLJ

MICHAEL J. ASTRUE,  
Commissioner, Social  
Security Administration

DEFENDANT

**ORDER**

Pending before the court is Defendant's Unopposed Motion to Remand for Further Administrative Proceedings. (DE # 13) Sentence six of 42 U.S.C. § 405(g) authorizes a remand in two limited situations: where the Commissioner requests a remand before answering the complaint, or where the court orders the Commissioner to consider new, material evidence that was for good cause not presented before the agency. Here, the Defendant has not yet filed an Answer to Plaintiff's complaint; thus, remand pursuant to sentence six of 42 U.S.C. § 405(g) is appropriate. Therefore, the Commissioner's unopposed motion to remand is hereby granted, and the case is remanded to the Commissioner for further administrative action pursuant to "sentence six" of section 405(g).

IT IS SO ORDERED this 23<sup>rd</sup> day of June , 2009.

  
UNITED STATES MAGISTRATE JUDGE