

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

JAMES C. HOUSER

PLAINTIFF

v.

CIVIL NO. 2:01-cv-02059-MEF

CAROLYN COLVIN, Commissioner
Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Plaintiff, James C. Houser, brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a decision of the Commissioner of Social Security (Commissioner). On July 18, 2001, this Court remanded the matter at the Defendant's request, pursuant to sentence six of 42 U.S.C. § 405(g), to allow for reconstruction of the record. ECF No. 13.

Sentence six of section 405(g) provides:

The court may, on motion of the [Commissioner] made for good cause shown before he files his answer, remand the case to the [Commissioner] for further action by the [Commissioner] . . . and the [Commissioner] shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm his findings of fact or his decision, or both, and shall file with the court any such additional and modified findings of fact and decision, and a transcript of the additional record and testimony upon which his action in modifying or affirming was based.

According to agency records, in 2005, the Agency affirmed the Commissioner's unfavorable decision. Because the Court retains jurisdiction over cases remanded pursuant to sentence six, the Commissioner now requests that this Court reinstate and dismiss the case. *See Sullivan v. Finkelstein*, 496 U.S. 617, 625-630 (1990) (holding that Court retains jurisdiction in sentence six cases). The Commissioner also asserts that counsel for the Plaintiff has indicated that the Plaintiff does not oppose said motion.

Accordingly, the Commissioner's Motion to Reinstate and Dismiss is hereby GRANTED.
The Clerk of Court is directed to reinstate the case and dismiss the Plaintiff's Complaint with prejudice.

DATED this 23rd day of June, 2016

/s/ Mark E. Ford
HONORABLE MARK E. FORD
UNITED STATES MAGISTRATE JUDGE