

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

JEREMY TRAVIS DAY

PLAINTIFF

vs.

Civil No. 4:13-cv-04078

CAROLYN COLVIN,  
Commissioner, Social Security Administration

DEFENDANT

**MEMORANDUM OPINION**

On April 7, 2014, Defendant filed a Motion to Remand. ECF No. 14.<sup>1</sup> Plaintiff has not filed any objections or respond to the Motion. *Id.* The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. ECF No. 10. Pursuant to this authority, the Court issues this memorandum opinion and orders the entry of a final judgment in this matter.

Defendant requests a remand so the Commissioner may conduct further administrative proceedings and further evaluate Plaintiff's disability status. Specifically, Defendant requests the case be remanded to an ALJ for further administrative proceedings so that the Plaintiff may appear at a hearing and present updated and relevant medical evidence, and an ALJ may obtain vocational expert testimony, further evaluate Plaintiff's mental impairments using the special technique, address the opinion evidence, and further evaluate Plaintiff's maximum residual functional capacity.

This Court finds this motion is well-taken and should be granted. The Commissioner's decision is reversed, and this matter is hereby remanded pursuant to sentence four of 42 U.S.C. §

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<sup>1</sup> The docket numbers for this case are referenced by the designation "ECF No." The transcript pages for this case are referenced by the designation "Tr."

405(g) for further proceedings. In addition, the undersigned finds the Plaintiff's Complaint should be and hereby is dismissed without prejudice. Plaintiff may still, however, file a motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

**ENTERED this 22nd day of April 2014.**

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
U.S. MAGISTRATE JUDGE