

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

KAREN GENTRY

PLAINTIFF

vs.

Civil No. 4:14-cv-04075

CAROLYN COLVIN,
Commissioner, Social Security Administration

DEFENDANT

MEMORANDUM OPINION

On September 2, 2014, Defendant filed an Unopposed Motion to Remand. ECF No. 11.¹ Defendant states he has contacted Plaintiff's counsel, Michael Angel, who does not oppose 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. 8. 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 so that the ALJ may review the case *de novo*, further develop the record, conduct further administrative proceedings, and issue a new decision. ECF No. 12. In particular, Defendant seeks remand of this case so it may be consolidated with the records of previous applications filed on December 29, 2009, which were recently remanded to the Agency on April 20, 2014, under Civil Docket Number 4:12-cv-04121-SOH, for further administrative proceedings. *Id.*

This Court finds this motion is well-taken and should be granted. The Commissioner's

¹ 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."

decision is reversed, and this matter is hereby remanded pursuant to sentence four of 42 U.S.C. § 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 16th day of September 2014.

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