

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-cv-01865-AP

Steven J. Hernandez,

Plaintiff,

v.

Carolyn W. Colvin, Acting Commissioner of Social Security,

Defendant.

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Order

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Upon consideration of Defendant's Unopposed Motion for Remand (doc. #27), the Court hereby REMANDS this matter to the Social Security Administration for the consideration of additional evidence in accordance with the sixth sentence of Social Security Act § 205(g), 42 U.S.C. § 405(g) (2006). On remand, the agency may "modify or affirm [its] findings of fact or [its] decision, or both, and shall file with the [C]ourt any such additional and modified findings of fact and decision." *Id.* Furthermore, if the decision on remand is not "fully favorable to [Plaintiff]," the agency shall also file "a transcript of the additional record and testimony upon which [its] action in modifying or affirming [the current decision] was based." *Id.*

Because this case is being remanded under the sixth sentence of § 205(g), the Court retains jurisdiction over this case. The clerk shall *not* issue a final judgment at this time. *See Shalala v. Schaefer*, 509 U.S. 292, 297 (1993) (citing *Melkonyan v. Sullivan*, 501 U.S. 89, 101–02 (1991)).

DATED this 4<sup>th</sup> day of November, 2013.

*s/John L. Kane* \_\_\_\_\_  
JOHN L. KANE  
United States District Judge