

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-2839-AP

MANUEL LOVATO, JR.,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION FOR REMAND

THIS MATTER comes before the Court upon an unopposed motion by Defendant, the Acting Commissioner of Social Security, to remand this case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). The Court, being fully advised in the premises, HEREBY ORDERS that the Commissioner's Motion is GRANTED.

This matter is ordered reversed and remanded to the Social Security Administration's Appeals Council pursuant to sentence four of 42 U.S.C. § 405(g).

Upon remand, the Appeals Council shall remand the matter to an Administrative Law Judge (ALJ) for further administrative proceedings. On remand, the Appeals Council will instruct the ALJ to evaluate Plaintiff's HIV in relation to Listing 14.08 and Social Security Ruling 93-2p. If Plaintiff is not found to meet a listing, the ALJ will proceed with the sequential evaluation process and evaluate Plaintiff's maximum residual functional capacity and ability to perform his past or other work in the national economy. In so doing, the ALJ will consider the

credibility of Plaintiff's complaints, as well as statements made by Plaintiff's treating medical and nonmedical sources. As appropriate, the ALJ will evaluate Plaintiff's compliance with prescribed treatment pursuant to Social Security Ruling 82-59, and Plaintiff's drug and/or alcohol abuse pursuant to Social Security Ruling 13-2p.

The Clerk is directed to enter a judgment in accordance with Fed. R. Civ. P. 58, consistent with the decision in *Shalala v. Schaefer*, 509 U.S. 292, 296-302 (1993).

Done this 11th day of July, 2014.

s/John L. Kane
United States District Court Judge