

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 16-cv-02489-REB

LENA K. HUSTED,

Plaintiff,

v.

NANCY A. BERRYHILL,¹ Acting Commissioner of Social Security,

Defendant.

ORDER FOR JUDGMENT AND REMAND

Blackburn, J.

The matter before me is **Defendant's Unopposed Motion To Remand** [#16],² filed January 31, 2017. By this motion, defendant requests the court remand this matter for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). Having reviewed the motion and the file, and being apprised of the premises, the court finds and concludes that the motion is well-taken and should be granted.

THEREFORE, IT IS ORDERED as follows:

1. That **Defendant's Unopposed Motion To Remand** [#16], filed January 31, 2017, is granted,


¹ Nancy A. Berryhill became the Acting Commissioner of Social Security on January 21, 2017, and thus her name is substituted for that of Carolyn Colvin as the defendant in this suit. **FED. R. CIV. P.** 25(d)(1). By virtue of the last sentence of 42 U.S.C. § 405(g), no further action need to taken to continue this lawsuit.

² “[#16]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

2. That the conclusion of the Commissioner through the Administrative Law Judge that plaintiff was not disabled is reversed;
3. That this matter is remanded to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g);
4. That judgment shall enter in favor of plaintiff and against defendant in accordance with Fed. R. Civ. P. 58 and consistent with the United States Supreme Court's decision in ***Shalala v. Schaefer***, 509 U.S. 292, 296-302, 113 S.Ct. 2625, 2628-32, 125 L.Ed.2d 239 (1993); and
5. That plaintiff is awarded her costs, to be taxed by the clerk of the court pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1 and 28 U.S.C. § 2412(a)(1).

Dated February 1, 2017, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge