

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MATTHEW FREDERICK OTTEN,

Plaintiff,

v.

Case No.: 2:24-cv-929-KCD

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER

Before the Court is Defendant's Unopposed Motion for Remand. (Doc. 14.) The Commissioner believes that remand is appropriate for the ALJ "to offer Plaintiff the opportunity for a hearing, take any steps necessary to develop the administrative record, and issue a new decision." (*Id.* at 1.)

Under 42 U.S.C. § 405(g), the Court has the power to enter judgment, reversing and remanding a social security case for rehearing. *See Shalala v. Schaefer*, 509 U.S. 292, 296-98 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 101-02 (1991). The Commissioner's request for remand is appropriate, and given Plaintiff's consent, it will be granted.

Accordingly, it is now **ORDERED**:

1. Defendant's Unopposed Motion for Remand (Doc. 14) is **GRANTED**.

2. The Commissioner's decision denying benefits is **REVERSED** and this case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings.

3. The Clerk is **DIRECTED** to enter judgment, terminate all deadlines, deny all pending motions as moot, and close the file.

ENTERED in Fort Myers, Florida on January 28, 2025.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record