

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

CARLOS H. SOTO,

Plaintiff,

v.

Case No: 5:17-cv-241-Oc-PRL

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

---

**ORDER**

On September 19, 2017, the Court remanded this action to the Commissioner, pursuant to sentence six of 42 U.S.C. § 405(g), for further administrative action because the Commissioner could not locate the claims file. (Doc. 25). The Court directed the Commissioner to file status reports every three months. In the most recent status report, filed on December 12, 2019, the Commissioner advised that the case is still with the ALJ following a new administrative hearing in July 2019, for review, decision-making, and the issuance of writing instructions to a decision writer. (Doc. 46).

Now, Plaintiff has filed the instant motion claiming that the remand proceedings are stagnant and asking the Court to compel a decision from the ALJ by the end of January 2020. (Doc. 47). Plaintiff states that he was recently diagnosed with prostate cancer and is hoping for a positive resolution so that he can afford treatment. While the Court is disinclined to impose an arbitrary deadline on the Commissioner, the Court is concerned by the length of time this remand is taking—more than two years—especially since the remand was necessitated by the Commissioner's loss of the claims file. Accordingly, Plaintiff's motion is **GRANTED** to the extent

that the Commissioner is directed to make all efforts to promptly resolve Plaintiff's claim. In the meantime, the Commissioner shall file a monthly status report beginning February 7, 2020, regarding the progress of the remand process. If the ALJ has not issued a decision by the March 6, 2020 status report, the Court will likely set a date certain by which a decision must be issued.

**DONE and ORDERED** in Ocala, Florida on January 9, 2020.



---

PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties