

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

NEFTHALI COLON,

Plaintiff,

v.

Case No: 6:16-cv-814-Orl-CM

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

This matter comes before the Court upon review of the Commissioner's Opposed Motion for Entry of Judgment Under Sentence Four of 42 USC § 405(g) with Reversal and Remand to Defendant (Doc. 23) filed on December 7, 2016. Defendant requests that the Court remand this case to the Commissioner for further administrative proceedings for the following reasons:

Upon remand, the Agency will reconsider and determine the weight appropriate to a treating physician's opinion and reevaluate Plaintiff's impairments as [sic] step 2 of the sequential evaluation process.

Doc. 24 at 1. Although Plaintiff does not oppose the Court remanding the case to the Commissioner nor the substantive reasons and directions proposed by Defendant, Plaintiff seeks a *de novo* hearing upon remand. Doc. 24 at 2. Plaintiff "makes this request in the interest of justice" and states that without that mandate, he could be deprived of another hearing at which he can provide updated evidence. *Id.* Plaintiff, however, offers no legal authority in support of her request.

Pursuant to 42 USC § 405(g), the Court may reverse the decision of the Commissioner with or without remanding the case for a rehearing. Defendant offers several rationales why the Court should not remand the case for rehearing. Doc. 26. Upon due consideration, Defendant's motion will be granted.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Opposed Motion for Entry of Judgment Under Sentence Four of 42 USC 405(g) with Reversal and Remand to Defendant (Doc. 23) is **GRANTED**;

2. The decision of the Commissioner is **REVERSED** and this action is **REMANDED** under sentence four of 42 U.S.C. § 405(g) to the Commissioner for the Commissioner to:

a. Reconsider and determine the weight appropriate to a treating physician's opinion and reevaluate Plaintiff's impairments at step two of the sequential evaluation process.

3. The Clerk shall enter judgment accordingly and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida on this 18th day of January, 2017.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record