

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JULIUS L. BRADFORD,

Plaintiff,

v.

Case No: 8:17-cv-1748-T-17JSS

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER

THIS MATTER is before the Court on Defendant's Unopposed Motion for Entry of Judgment with Remand. (Dkt. 14.) Defendant, the Commissioner of Social Security ("Commissioner") requests, under sentence four of 42 U.S.C. § 405(g), that this action be reversed and remanded to the administrative law judge ("ALJ"), for the ALJ's further evaluation of Plaintiff's claim, "including whether a significant number of jobs exist that Plaintiff can perform." (Dkt. 14 at 1.) Plaintiff has no objection. (*Id.*)

Pursuant to sentence four of 42 U.S.C. § 405(g), the Court has the "power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). When a case is remanded under sentence four of § 405(g), the district court's jurisdiction over the plaintiff's case is terminated. *Jackson v. Chater*, 99 F.3d 1086, 1095 (11th Cir. 1996); *Sullivan v. Finkelstein*, 496 U.S. 617, 625 (1990) (finding that a district court's order remanding under sentence four of § 405(g) "terminated the civil action challenging the Secretary's final determination that respondent was not entitled to benefits"). "Immediate

entry of judgment (as opposed to entry of judgment after postremand agency proceedings have been completed and their results filed with the court) is in fact the principal feature that distinguishes a sentence-four remand from a sentence-six remand.” *Shalala v. Schaefer*, 509 U.S. 292, 297 (1993).

A remand under sentence four of § 405(g) “is based upon a determination that the Commissioner erred in some respect in reaching the decision to deny benefits.” *Jackson*, 99 F.3d at 1095. Here, the Commissioner concedes error by requesting a reversal of the Commissioner’s decision. Accordingly, it is

ORDERED:

1. The Commissioner’s Unopposed Motion for Entry of Judgment with Remand (Dkt. 14) is **GRANTED**.¹
2. The Commissioner’s decision denying Plaintiff’s application for supplemental security income is **REVERSED**.
3. The case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the reasons stated in the Commissioner’s Unopposed Motion (Dkt. 14) and herein.
4. The Clerk of the Court is directed to terminate all other pending motions and close

¹ On November 17, 2017, the undersigned entered a report and recommendation to the Honorable Elizabeth A. Kovachevich regarding the Commissioner’s Unopposed Motion for Entry of Judgment with Remand. (Dkt. 15.) After the report and recommendation was entered, Judge Kovachevich entered an order approving the parties’ consent to the undersigned’s jurisdiction, and the case was reassigned to the undersigned. (Dkt. 16.) Accordingly, the report and recommendation (Dkt. 15) is stricken in light of this Order.

this case.

DONE and **ORDERED** in Tampa, Florida, on November 21, 2017.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record