

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MARK WILSON,

Plaintiff,

v.

Case No. 8:23-cv-2440-CPT

COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,

Defendant.

_____ /

ORDER

Before the Court is Defendant Commissioner's motion to remand this action pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. 16). According to the Commissioner, such a remand is necessary "for further administrative proceedings" and is not opposed by the Plaintiff. *Id.*


Sentence four of section 405(g) provides that a "court shall have [the] power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner . . . with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). In a sentence four remand, the appropriate procedure is for a court to enter a final judgment in the claimant's

favor. *Shalala v. Schaefer*, 509 U.S. 292, 296–97 (1993); *Jackson v. Chater*, 99 F.3d 1086, 1095 (11th Cir. 1996).

In light of the above, it is hereby ORDERED:

1. The Commissioner’s motion (Doc. 16) is granted.
2. The Commissioner’s decision is reversed, and the case is remanded for further proceedings before the Social Security Administration consistent with this Order.
3. The Clerk of Court is directed to enter Judgment in the Plaintiff’s favor, to terminate any pending motions, and to close the case.

SO ORDERED in Tampa, Florida, this 27th day of March 2024.


HONORABLE CHRISTOPHER P. TUIITE
United States Magistrate Judge

Copies to:
Counsel of record