

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

SHERRY LYNN HAVARD,

Plaintiff,

v.

Case No.: 8:24-cv-00365-AAS

MARTIN O'MALLEY,  
Commissioner of Social Security  
Administration,

Defendant.

\_\_\_\_\_ /

**ORDER**

The Commissioner of Social Security (Commissioner) moves to remand this case for further action under sentence four of 42 U.S.C. § 405(g). (Doc. 17). This request is unopposed. (*Id.* at p. 2).

Section 405(g) of the Social Security Act provides “[t]he Court shall have 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.” *See Shalala v. Schaefer*, 509 U.S. 292 (1993). On remand, the Appeals Council will consider whether the severity of Ms. Havard’s lung cancer meets or equals Listing 13.14A, further evaluate the opinion from Cindy Horrell, A.P.R.N., take any further action

needed to complete the administrative record, and issue a new decision.

Accordingly, the Commissioner's unopposed motion for entry of judgment with remand (Doc. 17) is **GRANTED**. The Clerk of Court is **DIRECTED** to enter judgment in favor of the plaintiff and close the file.

**ENTERED** in Tampa, Florida on June 4, 2024.



---

AMANDA ARNOLD SANSONE  
United States Magistrate Judge