

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

KENNETH L. STEVENS,

Plaintiff,

v. 6:11-cv-15

**MICHAEL J. ASTRUE, Commissioner of
Social Security,**


Defendant.

ORDER

Prior to filing an answer, Defendant Michael J. Astrue, Commissioner of Social Security (“Commissioner”), has filed a motion seeking remand pursuant to sentence six of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). *See* Doc. 10. The Commissioner has been unable to locate the recording of a hearing and, consequently, the record is incomplete. *See id.* This Court has the power to remand cases to the Commissioner for this reason prior to the Commissioner’s filing of an answer. *See* 42 U.S.C. § 405(g); *Abrams v. Halter*, 2001 WL 530431, *1 (S.D. Ala. Apr. 25, 2001); H.R. REP. NO. 96-944, at 59 (1980), *reprinted in*, 1980 U.S.C.C.A.N. 1407. Plaintiff has failed to respond to the Commissioner’s motion. Therefore, the request is unopposed. *See* L.R. 7.5.

Upon consideration of the motion and good cause shown, it is, **ORDERED THAT THIS CASE IS REMANDED TO THE COMMISSIONER.**

This 7th day of June 2011.



**B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA**