

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS, SPRINGFIELD DIVISION**

RANNIE S. MYERS,)	
)	
Plaintiff,)	
)	
v.)	No. 11-cv-3439
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	
Defendant.)	

OPINION

BYRON G. CUDMORE, U.S. MAGISTRATE JUDGE:

This matter comes before the Court on Defendant Commissioner of Social Security’s Motion to Remand (d/e 16). The Commissioner asks for a remand under sentence four of 42 U.S.C. §405(g). Plaintiff Rannie S. Myers objects to a remand of that portion of the decision in which the Social Security Commission found her to be disabled on February 10, 2010. Myers only challenges that portion of the decision that found that she was not disabled before that date. The parties consented, pursuant to 28 U.S.C. §636(c), to proceed before this Court. Consent to Proceed Before a United States Magistrate Judge, and Order of Reference entered June 20, 2012 (d/e 11).

The Court agrees with Myers. Section 405(g) only authorizes the claimant to seek judicial review, but not the Commissioner. The claimant Myers does not challenge the portion of the decision that found her disabled as of February 10, 2010. That portion of the decision, therefore, is final. The remand will be limited to that portion of the decision that found that Myers was not disabled before February 10, 2010.

WHEREFORE Defendant Commissioner of Social Security's Motion to Remand (d/e 16) is ALLOWED in part. Pursuant to sentence four of 42 U.S.C. §405(g), this Court enters judgment remanding that portion of the decision of the Commissioner that found that Plaintiff Rannie S. Myers was not disabled prior to February 10, 2010, for further proceedings before the Commission. Myers did not seek review of the portion of the decision that found that she was disabled as of February 10, 2010, and thus, that portion of the decision is final. All pending motions are denied as moot. This case is CLOSED before this Court.

Enter: January 2, 2013

s/ Byron G. Cudmore
UNITED STATES MAGISTRATE JUDGE