

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF ILLINOIS  
 EASTERN DIVISION

MARTIN T. MITCHELL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 12 C 2433
	)	
CAROLYN W. COLVIN, Acting	)	Judge Lee
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**DEFENDANT’S AGREED MOTION FOR AFFIRMANCE  
 OF AGENCY DECISION ON REMAND AND ENTRY OF FINAL JUDGMENT**

Defendant Carolyn W. Colvin, Acting Commissioner of Social Security, by Zachary T. Fardon, United States Attorney for the Northern District of Illinois, moves this court for an Order affirming the decision of the Commissioner that Plaintiff met the disability requirements under the Social Security Act, 42 U.S.C. §§ 423(d), 1381a, and 1382c. Defendant moves this court for entry of final judgment pursuant to Federal Rule of Civil Procedure 58.

In support of this motion, Defendant avers:

Plaintiff filed an appeal of an adverse decision of the Commissioner of Social Security in 2012. After a motion by the Commissioner for remand because the Appeals Council vacated its prior action denying Plaintiff’s request for review and remanded the case to an Administrative Law Judge (“ALJ”), United States District Court Judge John Z. Lee, issued an order remanding the case pursuant to the sixth sentence of 42 U.S.C. § 405(g). Although the case was closed administratively on the court’s docket, the court retained jurisdiction over the action. In sentence six remands, the court enters judgment after post-remand agency proceedings have been completed and their results filed with the court. *Shalala v. Schaefer*, 509 U.S. 292, 297 (1993).

On May 17, 2013, an ALJ acting pursuant to this court's remand order, issued a fully favorable decision, finding that Plaintiff was disabled within the meaning of the Social Security Act (attached). The time has expired for Plaintiff to file exceptions to the ALJ's decision and for the Appeals Council to review the case on its own motion. 20 C.F.R. §§ 404.984, 416.1484. The case, therefore, is concluded and this court should affirm the Commissioner's decision on remand and enter judgment. Plaintiff agrees with this motion.

A proposed order (copy attached) will be submitted to the court's proposed-order email address.

Respectfully submitted,

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**ORDER**

This matter coming before the court on an agreed motion, and the court being fully informed, it is hereby:

ORDERED that defendant's agreed motion for affirmance of the agency decision on remand and entry of judgment is granted. The Commissioner's decision on remand, finding Plaintiff disabled within the meaning of the Social Security Act, is affirmed. The court hereby orders entry of final judgment.

E N T E R:

\_\_\_\_\_  
United States District Judge

Dated: