

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

VIRGIL L. LOCKETT,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil No. 15-cv-1328-JPG-CJP

MEMORANDUM and ORDER

This matter comes before the Court on plaintiff Virgil L. Lockett's *pro se* request for judgment as a matter of law (Doc. 44). Lockett filed this case in December 2015 to appeal the Commissioner of Social Security's decision to deny him supplemental security income benefits. On the Commissioner's motion, in December 2016 the Court remanded this case to the Commissioner for rehearing and reconsideration of the evidence pursuant to sentence four of 42 U.S.C. § 405(g). It appears that an administrative law judge ("ALJ") has reheard Lockett's case and has again rendered an adverse decision. In his pending motion, Lockett takes issue with that new decision and asks the Court to reject the new decision and award him benefits.

This is not the right place for Lockett to raise his complaints about the new ALJ decision. The Court's remand under sentence four terminated this case; this case is over. *See Richmond v. Chater*, 94 F.3d 263, 267-68 (7th Cir. 1996). Instead, Lockett must file a new case—after exhausting his administrative remedies—to complain about the new decision. In the new case, he will be free to raise any challenges to the Commissioner's new final decision. The Court reiterates that Lockett must exhaust his administrative remedies before filing a new suit. The first step in that process is appealing the ALJ's new decision to the Appeals Council. Lockett should follow the steps described to him in the ALJ's letter that was sent to him with the ALJ's

new decision, or he may seek guidance from the Social Security Administration by phone, in person or on its website, www.socialsecurity.gov about how to file such an appeal. The Court cautions Lockett that generally he must appeal to the Appeals Council within 60 days of receiving the ALJ's decision. *See* 20 C.F.R. § 416.1468(a).

For the foregoing reason, the Court **DENIES** Lockett's motion (Doc. 44).

IT IS SO ORDERED.

DATED: September 18, 2018.

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**