

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

**MEMORANDUM and ORDER**

This matter comes before the Court on plaintiff Virgil L. Lockett's second *pro se* post-judgment motion for judgment as a matter of law (Doc. 46). 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") reheard Lockett's case and has again rendered an adverse decision. On September 6, 2019, the Appeals Council denied review, and the ALJ's decision became the final agency decision subject to judicial review. In his pending motion, Lockett takes issue with that new decision and asks the Court to reject the new decision and award him benefits.

At the Court told Lockett earlier in response to his first post-judgment motion for judgment as a matter of law, his old case is not the right place for Lockett to raise his complaints about the new agency 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). However, it appears Lockett has exhausted his administrative remedies and would like to file a new suit challenging the new agency decision. Therefore, the Court **DIRECTS** the Clerk of Court to

refile as a new civil case Lockett's pending motion and its exhibits (Docs. 46 & 47) with the motion's original filing date (October 23, 2019), to **TERMINATE** the motion in this case, and to send Lockett a form motion for leave to proceed *in forma pauperis* in his new case.

**IT IS SO ORDERED.**

**DATED: October 28, 2019.**

s/ J. Phil Gilbert

**J. PHIL GILBERT  
DISTRICT JUDGE**