

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
LEXINGTON

CIVIL ACTION NO. 5:18-CV-00327-EBA

ANDREA KATHERINE STIPES

PLAINTIFF,

V.

**MEMORANDUM OPINION AND ORDER**

NANCY A. BERRYHILL, *in her*  
*Official capacity as the Acting*  
*Commissioner of the Social*  
*Security Administration*

DEFENDANT.

\*\*\* \*\*

This matter comes before the Court on Plaintiff's Motion for Summary Judgment, [R. 16], and the Commissioner's Unopposed Motion for Entry of Judgment with Remand under Sentence Four of 42 U.S.C. § 405(g), [R. 18]. Plaintiff's Motion and Brief in Support of Motion for Summary Judgment, [R. 16; R. 16-2], requests the Court enter a judgment under sentence four of 42 U.S.C. § 404(g) reversing the Commissioner's final decision with a remand for a rehearing for further administrative proceedings. [R. 16-2 at 15-6]. Sentence four of 42 U.S.C. § 405(g) states, "The court shall have power to enter, upon the pleadings and transcripts of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." In lieu of a response to Plaintiff's Motion for Summary Judgment, [R. 16], the Commissioner has filed an Unopposed Motion for Entry of Judgment with Remand under Sentence Four of 42 U.S.C. § 405(g), [R. 18], requesting the Court "enter an order reversing and remanding this case for additional administrative proceedings." [R. 18 at 1]. The Commissioner has "conferred with counsel for Plaintiff, who stated that Plaintiff has no objection to the relief sought in [the Commissioner's] motion." [*Id.*] Having considered the matter fully, and being otherwise sufficiently advised,

IT IS ORDERED as follows:

1. Pursuant to sentence four of 42 U.S.C. § 405(g), the Commissioner's Unopposed Motion for Entry of Judgment with Remand under Sentence Four of 42 U.S.C. § 405(g), [R. 18], is GRANTED;
2. Plaintiff's Motion for Summary Judgment, [R. 16], is DENIED AS MOOT; and
3. Pursuant to Federal Rules of Civil Procedure 58(a), judgment reversing the Commissioner's Administrative Decision and remanding this case to the Commissioner for additional administrative proceedings shall be entered by separate order.

This the 28th day of September, 2018.



**Signed By:**

**Edward B. Atkins** *EBA*

**United States Magistrate Judge**