

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
PIKEVILLE

CIVIL ACTION NO. 7:17-cv-00102-EBA

GERALDINE LOWE,

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. 17] and the Commissioner's Unopposed Motion for Entry of Judgment with Remand under Sentence Four of 42 U.S.C. § 405(g) [R. 19]. Plaintiff's Motion for Summary Judgment [R. 17] requests the Court enter a judgment under sentence four of 42 U.S.C. § 405(g) reversing the Commissioner's final decision with a remand for a rehearing for further administrative proceedings. [R. 17-1, at 10]. Sentence four of 42 U.S.C. § 405(g) states, "The court shall have power to enter, upon the pleadings and transcript 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. 17], the Commissioner has filed an Unopposed Motion for Entry of Judgment with Remand under Sentence Four of 42 U.S.C. § 405(g) [R. 19] requesting the Court "enter an order reversing and remanding this case for additional administrative proceedings." [R. 19, 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." Having considered the matters 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. 19] is GRANTED;
2. Plaintiff's Motion for Summary Judgment [R. 17] is DENIED AS MOOT; and
3. Pursuant to Federal Rule 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 23rd day of January, 2018.



Signed By:

Edward B. Atkins *EBA*

United States Magistrate Judge