

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
PIKEVILLE

CIVIL ACTION NO. 7:18-CV-00031-EBA

DAVID LYNN SHORTRIDGE

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 Judgment on the Pleadings, [R. 13], 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 and Memorandum in Support of Motion for Judgment on the Pleadings, [R. 13; R. 13-1], requests the Court grant Plaintiff's Motion for Judgment on the Pleading and remand the case for further administrative proceedings. [R. 13-1 at 1]. In lieu of a response to Plaintiff's Motion for Judgment on the Pleadings, [R. 13], 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]. 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." The Commissioner has "conferred with counsel for Plaintiff, who stated that Plaintiff has no objection to the relief sought in [the Commissioner's] motion but [he] reserves the right to

file a response.” [Id. at 2]. 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. 19], is **GRANTED**;
2. Plaintiff’s Motion for Judgment on the Pleadings, [R. 13], 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 10th day of October, 2018.



Signed By:

Edward B. Atkins *EBA*

United States Magistrate Judge