

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:16-CV-101-BO

RITA E. NORRIS, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 NANCY A. BERRYHILL, )  
 *Acting Commissioner of Social Security,* )  
 )  
 Defendant. )

ORDER

This cause comes before the Court on plaintiff's motion for judgment on the pleadings and defendant's motion to remand under sentence four of 42 U.S.C. § 405(g).

DISCUSSION

Plaintiff brought this action under 42 U.S.C. §§ 405(g) and 1383(c)(3) for review of the final decision of the Commissioner denying her claim for disability insurance benefits (DIB) and supplemental security income (SSI) pursuant to Titles II and XVI of the Social Security Act. Plaintiff has filed a motion for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure and defendant has moved to remand the case to the Commissioner for further action pursuant to sentence four of 42 U.S.C. § 405(g).

In her motion, defendant notes only that remand under sentence four is appropriate in any case that requires further fact finding. Although plaintiff does not oppose remand, defendant has failed to demonstrate that remand is appropriate in this case and her motion is therefore denied.

CONCLUSION

For the foregoing reasons, defendant's motion to remand [DE 20] is DENIED. This matter will be set for hearing on plaintiff's motion for judgment on the pleadings by separate notice.

SO ORDERED, this 2 day of May, 2017.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE