

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

DAVID D. MITCHELL, JR., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 )  
 )  
 NANCY A. BERRYHILL, )  
 Acting Commissioner of Social Security, )  
 )  
 Defendant. )

**JUDGMENT**

No. 7:16-CV-301-FL

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the parties’ cross-motions for judgment on the pleadings and the memorandum and recommendation of the United States Magistrate Judge, to which no objections were filed.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court’s order entered August 30, 2017, and for the reasons set forth more specifically therein, that plaintiff’s motion for judgment on the pleadings is granted and defendant’s motion for judgment on the pleadings is denied. This matter is remanded to defendant pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings.

**This Judgment Filed and Entered on August 30, 2017, and Copies To:**

Jonathan P. Miller (via CM/ECF Notice of Electronic Filing)  
Cathleen C. McNulty (via CM/ECF Notice of Electronic Filing)

August 30, 2017

PETER A. MOORE, JR. CLERK  
/s/ Susan W. Tripp  
(By) Susan W. Tripp, Deputy Clerk