

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
DOCKET NO. 1:17-cv-00014-FDW

TIFFANY WALKER )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 NANCY A. BERRYHILL, )  
 Acting Commissioner of Social Security, )  
 )  
 Defendant. )  
 )  
 \_\_\_\_\_ )

ORDER

**THIS MATTER** is before the Court on Defendant’s Unopposed Motion to Remand to Social Security Administration (Doc. No. 15). For the reasons stated below, the motion is GRANTED. Accordingly, Plaintiff’s pending Motion for Summary Judgment (Doc. No. 11) is DENIED AS MOOT.

Defendant, Nancy A. Berryhill, Acting Commissioner of the Social Security Administration, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing her decision with a remand of the cause for further administrative proceedings. Plaintiff’s counsel does not oppose Defendant’s motion.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), this Court hereby REVERSES the Commissioner’s decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89 (1991). The Clerk of the Court will enter a separate judgment pursuant to

Rule 58 of the Federal Rules of Civil Procedure. As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate except for purposes of consideration and determination of motions for attorneys' fees, including any motion for such fees under the Equal Access to Justice Act (EAJA). The plaintiff shall have thirty (30) days from final judgment in which to file any motion for attorneys' fees under EAJA in this matter.

IT IS THEREFORE ORDERED that the Unopposed Motion to Remand (Doc. No. 15) is GRANTED. Plaintiff's pending Motion for Summary Judgment (Doc. No. 11) is DENIED AS MOOT.

IT IS SO ORDERED.

Signed: September 22, 2017

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

