

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-00442-WCM

DOUGLAS MICHAEL AMOS,)
)
Plaintiff,)
)
v.)
)
COMMISSIONER OF SOCIAL)
SECURITY,)
)
Defendant.)
_____)

ORDER

This matter is before the Court on the following:

1. Plaintiff’s Motion for Summary Judgment (Doc. 15); and
2. “Defendant’s Consent Motion for Entry of Judgment with Remand Under Sentence Four of 42 U.S.C. § 405(g)” (the “Motion to Remand,” Doc. 19).¹

Under Sentence Four of 42 U.S.C. § 405(g), the court has the authority “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” See Shalala v. Schaefer, 509 U.S. 292, 299 (1993). Remand for further proceedings is the proper action in

1 The parties have consented for a United States Magistrate Judge to conduct any and all proceedings in this case, including entering a final judgment. Doc. 13.

any case that requires further fact finding. See Meyer v. Astrue, 662 F.3d 700, 707 (4th Cir. 2011) (“Assessing the probative value of competing evidence is quintessentially the role of the fact finder. We cannot undertake it in the first instance. Therefore, we must remand the case for further fact finding”).

Here, the Commissioner asks this court to “enter a judgment reversing the Commissioner’s final decision and remanding this case to the Commissioner for further administrative proceedings.” Doc. 19 at 1. Plaintiff’s counsel consents to a remand for further proceedings. Id. at 2.

IT IS THEREFORE ORDERED THAT:

1. Defendant’s Consent Motion for Entry of Judgment with Remand Under Sentence Four of 42 U.S.C. § 405(g) (Doc. 19) is **GRANTED**, the Commissioner’s decision is **REVERSED**, and this matter is **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g).
2. Plaintiff’s Motion for Summary Judgment (Doc. 15) is **DENIED AS MOOT**.
3. The Clerk of Court is respectfully directed to enter a separate judgment of remand, thereby closing the case.

Signed: May 6, 2022



W. Carleton Metcalf
United States Magistrate Judge

