

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

RONNIE BARBER,

Plaintiff,

Case No. 3:13-CV-110

vs.

COMMISSIONER OF  
SOCIAL SECURITY,

District Judge Timothy S. Black  
Magistrate Judge Michael J. Newman

Defendants.

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**ORDER**

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Now before the Court is the Commissioner's Motion for Voluntary Remand (doc. 14). The motion is opposed by Plaintiff. *See* doc. 15. The Commissioner seeks to voluntarily reverse the ALJ's non-disability finding pursuant to the Fourth Sentence of 42 U.S.C. § 405(g), and remand this matter to the ALJ for additional proceedings and reconsideration of Plaintiff's disability status. *See* doc. 14 at PageID 98. The Court notes, first, that it will need to consider the appropriateness of the ALJ's non-disability finding, and whether or not remand should occur here, among other issues, when it considers this case on the merits. Second, the Court also notes that the instant motion is opposed by Plaintiff. *See* doc. 15. For these reasons, the Court believes the most appropriate course here is not to rule on the motion at this time, but to consider this motion, hereafter, when the Court reviews this case on the merits. Accordingly, the Commissioner's motion is now **STAYED**. This case shall proceed as follows:

- 1.) The Commissioner's Memorandum in Opposition to Plaintiff's Statement of Errors (doc. 10) shall be filed on or before March 3, 2014; and
- 2.) Plaintiff's Reply, if any, shall be filed by March 14, 2014.

**IT IS SO ORDERED.**

February 4, 2014

s/ **Michael J. Newman**  
United States Magistrate Judge