

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

James Ernest Devore,) C/A No.: 1:16-3659-JMC-SVH
)
Plaintiff,)
)
vs.) ORDER
)
Nancy A. Berryhill,¹ Acting)
Commissioner of Social Security,)
)
Defendant.)
_____)

Defendant Nancy A. Berryhill, Acting Commissioner of the Social Security Administration (“Commissioner”), by her attorneys, Beth Drake, Acting United States Attorney, and Barbara M. Bowens, Assistant United States Attorney for the District of South Carolina, has moved this court pursuant to 42 U.S.C. § 405(g) to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. [ECF No. 16]. The movant represents that Plaintiff’s counsel, Hannah Rogers Metcalfe and Timothy A. Clardy, consent to the motion. *Id.*

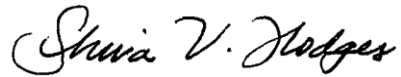
By order of the court, this case is remanded to the Appeals Council. The Appeals Council will direct the Administrative Law Judge to further evaluate the record.

Pursuant to the power of this court to enter a judgment affirming, modifying, or reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner’s request for

¹ Nancy A. Berryhill became the Acting Commissioner of Social Security on January 23, 2017. Pursuant to Fed. R. Civ. P. 25(d), Nancy A. Berryhill is substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this lawsuit.

remand of this action for further proceedings, 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 administrative proceedings as set out above. *See Shalala v. Schaefer*, 509 U.S. 292 (1993). The Clerk of Court is directed to enter a separate judgment pursuant to the Fed. R. Civ. P. 58.

IT IS SO ORDERED.



July 5, 2017
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge