

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

PENNY LYNN SOUTH,

Plaintiff,

v.

Case No: 2:19-cv-627-SPC-NPM

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

\_\_\_\_\_ /

**ORDER**<sup>1</sup>

Before the Court is Defendant Commissioner of Social Security's Unopposed Motion for Entry of Judgment with Remand ([Doc. 31](#)). The Commissioner believes remand is appropriate for the following:

On remand, the agency will assign a different administrative law judge (ALJ), provide Plaintiff with the opportunity for a hearing before the newly assigned ALJ to further evaluate Plaintiff's claims, and issue a new decision.

([Doc. 31 at 1](#)). Plaintiff does not oppose the Motion.

Under [42 U.S.C. § 405\(g\)](#), the Court has the power to enter judgment, reversing and remanding a social security case for rehearing. *See also* [Shalala](#)

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

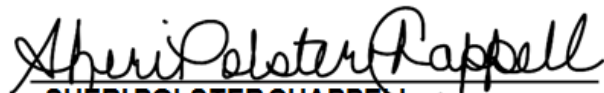
*v. Schaefer*, 509 U.S. 292, 296-98 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 101-02 (1991). Given the parties' representations and agreement on the matter, the Court grants the Motion, reverses, and remands for further proceedings. See *Morgan v. Astrue*, No. 2:11-cv-615-FtM-29SPC, 2012 WL 695840, at \*1 (M.D. Fla. Mar. 1, 2012).

Accordingly, it is now

**ORDERED:**

- (1) Defendant's Unopposed Motion for Entry of Judgment with Remand (Doc. 31) is **GRANTED**.
- (2) Defendant's decision denying benefits is **REVERSED** and this case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings.
- (3) If Plaintiff prevails on remand, Plaintiff must comply with the Court's November 14, 2012, standing order in Miscellaneous Case No. 6:12-mc-124-Orl-22.
- (4) The Clerk is **DIRECTED** to enter judgment, terminate all deadlines or pending motions, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida on May 11, 2021.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record