

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MARLON BAUTISTA,

Plaintiff,

v.

Case No.: 2:23-cv-857-KCD

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER

Before the Court is the Commissioner's Unopposed Motion for Entry of Judgment With Remand.¹ (Doc. 15.) The Commissioner believes that remand is appropriate to conduct further administrative proceedings, offer the claimant the opportunity for a hearing, and issue a new decision. (*Id.* at 1.) Plaintiff consents to the relief requested.

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 Shalala v. Schaefer*, 509 U.S. 292, 296-98 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 101-02 (1991). The Commissioner's request for remand is appropriate, and given Plaintiff's consent, it will be granted.

Accordingly, it is now **ORDERED**:

¹ The parties consented to a magistrate judge's consideration of this motion. (Docs. 17, 18.)

1. The Commissioner's Unopposed Motion for Entry of Judgment With Remand (Doc. 15) is **GRANTED**.

2. The Commissioner'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. The Clerk is **DIRECTED** to enter judgment, terminate all deadlines, deny all pending motions as moot, and close the file.

ENTERED in Fort Myers, Florida on March 4, 2024.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record