

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

NICOLE KAZUK,

Plaintiff,

v.

Case No. 8:23-cv-1054-JRK

MARTIN J. O'MALLEY,
Commissioner of Social Security,

Defendant.

_____ /

ORDER¹

This cause is before the Court on Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) With Remand of the Cause to Defendant (Doc. No. 34; "Motion"), filed February 21, 2024, that seeks to have this matter reversed and remanded to the Social Security Administration for further administrative proceedings. Motion at 1-2. Plaintiff has no objection to the Motion, see id. at 2, and such a disposition is clearly within the Court's authority, see Shalala v. Schaefer, 509 U.S. 292 (1993). Accordingly, it is

ORDERED:

¹ The parties consented to the exercise of jurisdiction by a United States Magistrate Judge. See Notice, Consent, and Reference of a Civil Action to a Magistrate Judge (Doc. No. 17), filed July 14, 2023; Reference Order (Doc. No. 18), entered July 14, 2023.

1. Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) With Remand of the Cause to Defendant (Doc. No. 34) is **GRANTED**.

2. The Clerk of Court is directed to enter judgment **REVERSING AND REMANDING** this case pursuant to sentence four of 42 U.S.C. § 405(g) with the following instructions:

On remand, the case will be remanded to an administrative law judge who will offer Plaintiff the opportunity for a hearing, reconsider Plaintiff's symptoms in a manner consistent with SSR 12-2p, reconsider Plaintiff's residual functional capacity, take action to complete the administrative record, and issue a new decision.

3. The Clerk is further directed to close the file.

DONE AND ORDERED in Jacksonville, Florida on February 28, 2024.


JAMES R. KLINDT
United States Magistrate Judge

kaw
Copies:
Counsel of Record