

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SHERRI LYNN WILLINGHAM,

Plaintiff,

v.

Case No.: 2:23-cv-1184-KCD

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER

Before the Court is the Commissioner's Unopposed Motion for Entry of Judgment With Remand. (Doc. 17.) Defendant believes that remand is appropriate for the Commissioner to take action to complete the administrative record as needed; reconsider whether there are jobs available to the claimant in the national economy; if warranted, obtain supplemental vocational expert evidence; offer the claimant and opportunity for a hearing; and issue a new decision for the period prior to September 21, 2022. (*Id.* at 2.) 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). Defendant's request for remand is appropriate, and given Plaintiff's consent, it will be granted.

Accordingly, it is now **ORDERED**:

1. The Commissioner's Unopposed Motion for Entry of Judgment With Remand (Doc. 17) 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.

ORDERED in Fort Myers, Florida this April 29, 2024.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record