

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

LUIS A. ROSADO PADILLA,

Plaintiff,

v.

Case No: 6:23-cv-2067-RBD-LHP

COMMISSIONER OF SOCIAL
SECURITY,

Defendant

REPORT AND RECOMMENDATION

TO THE UNITED STATES DISTRICT COURT:

This cause came on for consideration without oral argument on the following motion filed herein:

MOTION: PARTIES' MOTION FOR REMAND (Doc. No. 24)

FILED: March 15, 2024

THEREON it is RECOMMENDED that the motion be GRANTED.

The parties have filed a joint motion to remand this case pursuant to sentence four of 42 U.S.C. § 405(g), for reconsideration of whether Plaintiff's use of a cane was medically necessary, and for an Administrative Law Judge to hold a hearing and issue a new decision. Doc. No. 24. Upon consideration, the undersigned

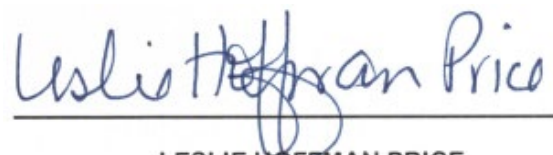
finds the request well taken. *See* 42 U.S.C. § 405(g). Accordingly, it is **RESPECTFULLY RECOMMENDED** that the Court:

1. **GRANT** the Parties' Motion for Remand (Doc. No. 24);
2. **REVERSE** and **REMAND** the final decision of the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g), for the above-state reasons; and
3. **DIRECT** the Clerk of Court to enter judgment in favor of Plaintiff and against the Commissioner, **TERMINATE** all other pending motions as moot, and thereafter **CLOSE** this case.

NOTICE TO PARTIES

A party has fourteen days from the date the Report and Recommendation is served to serve and file written objections to the Report and Recommendation's factual findings and legal conclusions. Failure to serve written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. 11th Cir. R. 3-1.

Recommended in Orlando, Florida on March 18, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record
Unrepresented Party
Courtroom Deputy