

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

LIZZETTE ALICEA RIVERA,

Plaintiff,

v.

Case No. 8:23-CV-02320-WFJ-JSS

MARTIN O'MALLEY,  
Commissioner of Social Security,

Defendant.

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**REPORT AND RECOMMENDATION**

This cause comes before the Court upon Defendant's Unopposed Motion to Remand to the Commissioner of Social Security. (Doc. 21). The Commissioner contends that remand is appropriate under sentence four of 42 U.S.C. § 405(g) so the ALJ may: "(1) reevaluate the evidence in accordance with the agency's regulations and policies; (2) offer Plaintiff the opportunity for a hearing; (3) take any further action needed to complete the administrative record; and (4) issue a new decision." (Doc. 21, p. 1). Plaintiff does not object to the relief requested. (Doc. 16, p. 1).

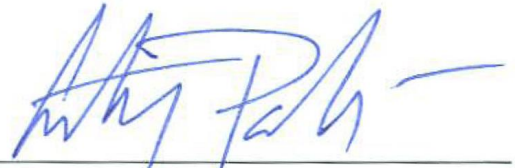
Accordingly, for the reasons stated in the Commissioner's motion, it is hereby RECOMMENDED:

1. Defendant's Unopposed Motion to Remand (Doc. 16) be GRANTED.

2. The Clerk be directed to enter judgment for Plaintiff with instructions that the Commissioner's decision is REVERSED under sentence four of 42 U.S.C. § 405(g) and the case is REMANDED for further administrative proceedings consistent with the reasons stated in the Commissioner's motion.

3. The Clerk be directed to close the case.

IT IS SO REPORTED in Tampa, Florida, this 10th day of April 2024.



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ANTHONY E. PORCELLI  
United States Magistrate Judge

cc: Counsel of Record

## NOTICE TO PARTIES

A party has fourteen days from the date they are served a copy of this report to file written objections to this report's proposed findings and recommendations or to seek an extension of the fourteen-day deadline to file written objections. 28 U.S.C. § 636(b)(1)(C). A party's failure to file 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. *See* 11th Cir. R. 3-1; 28 U.S.C. § 636(b)(1). **Should the parties wish to expedite the resolution of this matter, they may promptly file a joint notice of no objection.**

cc: Hon. William F. Jung  
Counsel of Record