

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

DAVID S. GOGUEN,

Plaintiff,

v.

Case No.: 8:23-cv-2460-AAS

MARTIN O'MALLEY,  
Commissioner of Social Security  
Administration,

Defendant.

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**ORDER**

The Commissioner of Social Security (Commissioner) moves to remand this case for further action under sentence four of 42 U.S.C. § 405(g). (Doc. 17).

This request is unopposed. (*Id.* at p. 1).

The Commissioner requests remand with entry of judgment for these reasons:

On remand, the Administrative Law Judge will be instructed to reconsider whether the claimant has a severe mental impairment; re-evaluate the claimant's residual functional capacity; reconsider the medical opinion evidence; update the administrative record; and issue a new decision.

(*Id.*). Section 405(g) of the Social Security Act provides “[t]he Court shall have power to enter, upon the pleadings and transcript of the record, a judgment

affirming, modifying, or reversing the decision of the [Commissioner], with or without remanding the cause for a rehearing.” *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

Accordingly, the Commissioner’s unopposed motion for entry of judgment with remand (Doc. 17) is **GRANTED**. The Clerk of Court is **DIRECTED** to enter judgment in favor of the plaintiff and close the file.

**ENTERED** in Tampa, Florida on April 15, 2024.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge