

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

SHERRY LYNN HAVARD,

Plaintiff,

v.

Case No.: 8:24-cv-00365-AAS

**MARTIN O'MALLEY,
Commissioner of Social Security
Administration,**

Defendant.

_____ /

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. 2).

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). On remand, the Appeals Council will consider whether the severity of Ms. Havard’s lung cancer meets or equals Listing 13.14A, further evaluate the opinion from Cindy Horrell, A.P.R.N., take any further action

needed to complete the administrative record, and issue a new decision.

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 June 4, 2024.



AMANDA ARNOLD SANSONE
United States Magistrate Judge