

United States District Court  
Middle District of Florida  
Tampa Division

**ANNIE BORBA,**

**Plaintiff,**

**v.**

**NO. 8:24-cv-502-MSS-LLL**

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

**Defendant.**

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**Report and Recommendation**

Before the Court is defendant's Unopposed Motion for Entry of Judgment with Remand, doc. 20, which seeks to have this case remanded to the Commissioner for further proceedings; Borba does not object to the motion, *id.* at 1. Defendant's motion has been referred to me for the issuance of a report and recommendation regarding an appropriate resolution.

Defendant moves for remand of this case under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. *Id.* at 1-2. This disposition is within the Court's authority. *See Shalala v. Schaefer*, 509 U.S. 292, 297 (1993), and I find remand appropriate.

I respectfully **recommend:**


1. Defendant's Unopposed Motion for Entry of Judgment with Remand, doc. 20, be **granted**.

2. The **Clerk** of Court be directed to **enter judgment reversing and remanding** the case pursuant to sentence four of 42 U.S.C. § 405(g), with the following instructions:

On remand, the Appeals Council will instruct the Administrative Law Judge to: (1) further consider Plaintiff's past relevant work and borderline age situation; (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.

3. The **Clerk** be further directed to **terminate** any pending motions and **close** the file.

**Entered** in Jacksonville, Florida, on July 23, 2024.

  
LAURA LOTHMAN LAMBERT  
United States Magistrate Judge

### **Notice to the Parties**

Within 14 days after being served with a copy of [a report and recommendation on a dispositive motion], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). "A party may respond to another party's objections within 14 days after being served with a copy." *Id.* A party's failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1; Order (doc. 3), No. 8:20-mc-100-SDM, entered October 29, 2020, at 6.

c:

The Honorable Mary S. Scriven, United States District Judge

Carol Ann Avard, Esquire

Mark V. Zakhvatayev, Esquire

Michael G. Sexton, Esquire

Abby Elizabeth Rill, Esquire

John F. Rudy, III, Esquire