

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

GILBERTO ESQUIJEROSA,

Plaintiff,

v.

CASE NO. 3:24-cv-621-SJH

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER

THIS CAUSE is before the Court on the Commissioner's Unopposed Motion for Entry of Judgment with Remand ("Motion"). Doc. 19. In the Motion, the Commissioner requests that this action be reversed and remanded for further action consistent with the Motion under sentence four of 42 U.S.C. § 405(g). Doc. 19 at 2.

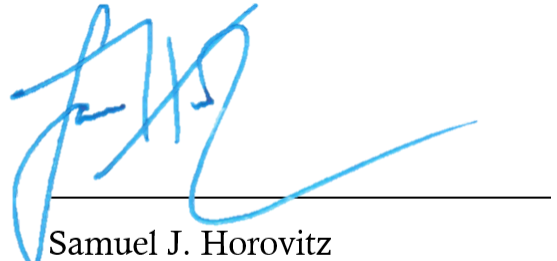
Upon due consideration, it is **ORDERED**:

1. The Motion (Doc. 19) is **granted**.
2. The decision of the Commissioner is hereby **reversed** under sentence four of 42 U.S.C. § 405(g), and this case is **remanded** to the Commissioner for further proceedings. Upon remand, the Appeals Council shall instruct the Administrative Law Judge to offer Plaintiff the opportunity for a hearing, take any further action needed to complete the administrative record, and issue a new decision.

3. The Clerk of Court is **directed** to enter judgment consistent with this Order and pursuant to Rule 58 of the Federal Rules of Civil Procedure, terminate any motions, and close the case.

4. If Plaintiff ultimately prevails in this case upon remand to the Social Security Administration, any motion for attorney's fees under 42 U.S.C. § 406(b) and/or 42 U.S.C. § 1383(d)(2) must be filed within fourteen days from Plaintiff's counsel's receipt of any "close-out" letter. *See* Local Rule 7.01(e). The motion must include the agency letter stating the amount of past-due benefits withheld, include any applicable contingency fee agreement, and establish the fee is reasonable for the services rendered. *Id.* This Order does not extend the time limits for filing a motion for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412.

DONE AND ORDERED in Jacksonville, Florida, on November 27, 2024.



Samuel J. Horovitz
United States Magistrate Judge

Copies to:

Counsel of Record