

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JAMES FRANCIS BRIGLIN,

Plaintiff,

v.

Case No. 8:24-cv-01903-JLB-AEP

CAROLYN COLVIN,¹
Acting Commissioner of
Social Security Administration,

Defendant.

_____ /

REPORT AND RECOMMENDATION

This cause comes before the Court upon Defendant's Unopposed Motion for Entry of Judgment with Remand (Doc. 13). The Commissioner contends that remand is appropriate under sentence four of 42 U.S.C. § 405(g) as it relates to judicial review of benefit determinations (Doc. 13, at 1–2). Plaintiff does not object to the relief requested. Accordingly, for the reasons stated in the Commissioner's motion, it is hereby

RECOMMENDED:

¹ Carolyn Colvin is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Acting Commissioner Colvin should be substituted for Commissioner O'Malley as the defendant in this matter. No further action needs to be taken to continue this matter by reason of the last sentence of section 205(g) of the Social Security Act. 42 U.S.C. § 405(g).

1. Defendant's Unopposed Motion for Entry of Judgment with Remand (Doc. 13) 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 then be directed to close the case.

IT IS SO REPORTED in Tampa, Florida, this 5th day of December 2024.



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. John L. Badalamenti
Counsel of Record