

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, TAMPA DIVISION

Lems Roche v. Frank Bisignano, Commissioner of Social Security

Roche · No. 8:25-cv-01024-JLB-AAS · Decided December 2, 2025

SUMMARY

The court adopted the Magistrate Judge’s Report and Recommendation and granted the Commissioner of Social Security’s unopposed motion for entry of judgment with remand. The court reversed the Commissioner’s decision and remanded the case under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings concerning medical improvement and related matters.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	John L. Badalamenti
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	December 2, 2025
DOCKET	8:25-cv-01024-JLB-AAS
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review of a Social Security decision. The Commissioner filed an unopposed motion for entry of judgment with remand under sentence four of 42 U.S.C. § 405(g), and the Magistrate Judge recommended granting the motion.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown
PARTIES	Lems Roche v. Frank Bisignano, Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- civil procedure
- judicial review of agency action
- remedies

QUESTIONS PRESENTED

1. Whether the court should grant the Commissioner's unopposed motion for entry of judgment and remand under sentence four of 42 U.S.C. § 405(g).
2. Whether the Commissioner's decision should be reversed and the case remanded for further administrative proceedings.

HOLDINGS

1. A sentence-four remand was appropriate because the Commissioner conceded error in the decision denying benefits.
2. A sentence-four remand terminates the district court's jurisdiction over the plaintiff's case.

KEY QUOTATIONS

“When a case is remanded under sentence four of section 405(g), the district court’s jurisdiction over the plaintiff’s case is terminated.”

“Immediate entry of judgment (as opposed to entry of judgment after postremand agency proceedings have been completed and their results filed with the court) is in fact the principal feature that distinguishes a sentence-four remand from a sentence-six remand.”

FACTUAL BACKGROUND

The Commissioner conceded that some error occurred in the decision denying benefits. On remand, the Appeals Council was to instruct the Administrative Law Judge to reconsider whether medical improvement occurred, offer Plaintiff a hearing, take any action necessary to complete the administrative record, and issue a new decision.

PROCEDURAL HISTORY

The Commissioner moved for a sentence-four remand, advising that the Appeals Council would direct the Administrative Law Judge to reconsider whether medical improvement occurred, provide Plaintiff an opportunity for a hearing, complete the administrative record as necessary, and issue a new decision. The Magistrate Judge recommended granting the motion, no party objected, and the District Court adopted the recommendation, reversed the Commissioner's decision, remanded for further proceedings, and directed the Clerk to close the case.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded under sentence four of 42 U.S.C. § 405(g). The Appeals Council was to instruct the Administrative Law Judge to reconsider whether medical improvement occurred, offer Plaintiff an opportunity for a hearing, take any further action needed to complete the administrative record, and issue a new decision.

CASES CITED

- Jackson v. Chater, 99 F.3d 1086, 1095 (11th Cir. 1996)
- Shalala v. Schaefer, 509 U.S. 292, 297 (1993)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION
LEMS ROCHE, Plaintiff, v. Case No: 8:25-cv-01024-JLB-AAS FRANK BISIGNANO,
Commissioner of Social Security, Defendant. / ORDER Before the Court is Defendant
Commissioner of Social Security's ("Commissioner") Unopposed Motion for Entry of Judgment
with Remand (Doc. 22).

The Commissioner requests remand under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings as follows: "On remand, the Appeals Council will instruct the Administrative Law Judge to give further consideration to whether medical improvement occurred, offer the claimant the opportunity for a hearing, take any further action needed to complete the administrative record, and issue a new decision." Id. at 1.

The Commissioner also advises that Plaintiff does not oppose the motion. Id. The Magistrate Judge entered a Report and Recommendation, recommending that the Motion be granted. (Doc. 23). No party objected to the Magistrate's recommendation, and the time to do so has expired. Pursuant to sentence four of section 405(g), the Court has the "power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g).

When a case is remanded under sentence four of section 405(g), the district court's jurisdiction over the plaintiff's case is terminated. Jackson v. Chater, 99 F.3d 1086, 1095 (11th Cir. 1996). "Immediate entry of judgment (as opposed to entry of judgment after postremand agency proceedings have been completed and their results filed with the court) is in fact the principal feature that distinguishes a sentence-four remand from a sentence-six remand." Shalala v. Schaefer, 509 U.S. 292, 297 (1993) (citation omitted).

A remand under sentence four of section 405(g) "is based upon a determination that the Commissioner erred in some respect in reaching the decision to deny benefits." Jackson, 99 F.3d at 1095. Here, the Commissioner concedes error by requesting a reversal of the Commissioner's decision. (See Doc. 22).

Accordingly, it is ORDERED that: 1. The Magistrate Judge's Report and Recommendation (Doc. 23) is ADOPTED and made a part of this Order for all purposes. 2. Defendant Commissioner of Social Security's Unopposed Motion for Entry of Judgment with Remand (Doc. 22) is GRANTED. 3.

The decision of the Commissioner is REVERSED, and this case is REMANDED under sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this Order. 4. Plaintiff is instructed that any application for fees, costs, or expenses must comply with Local Rule 7.01. 5.

The Clerk of Court is DIRECTED to enter judgment accordingly, terminate any pending motions and deadlines, and close the file. ORDERED in Tampa, Florida, on December 2, 2025. JOHN L. BADALAMENTI UNITED STATES DISTRICT JUDGE