

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)

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