

**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

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