

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
TEXAS, FORT WORTH DIVISION

Alyssa F. v. Commissioner, Social Security Administration

Civil Action No. 4:25-CV-00814-BU (N.D. Tex. Feb. 4, 2026) · No. 4:25-CV-00814-BU · Decided February 4, 2026

SUMMARY

The magistrate judge recommends granting the Commissioner’s unopposed motion to reverse and remand a Social Security case under the fourth sentence of 42 U.S.C. § 405(g). The document explains the distinction between sentence-four and sentence-six remands and recommends remand for further administrative action.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Fort Worth Division
WRITING FOR THE COURT	John R. Parker
JURISDICTION	United States District Court for the Northern District of Texas, Fort Worth Division
DECIDED	February 4, 2026
DOCKET	4:25-CV-00814-BU
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Commissioner moved, without opposition, to reverse and remand the Social Security case under sentence four of 42 U.S.C. § 405(g). The magistrate judge issued findings, conclusions, and a recommendation that the district judge grant the motion, reverse the case, and remand it for further administrative action.
STANDARD OF REVIEW	The opinion applied the statutory framework governing sentence-four and sentence-six remands under 42 U.S.C. § 405(g); it did not conduct merits review of the administrative decision.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

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

PRACTICE AREAS

Social Security

administrative law

civil procedure

judicial review of agency action

remedies

QUESTIONS PRESENTED

1. Whether the unopposed motion should be granted under sentence four of 42 U.S.C. § 405(g).
2. Whether the requested remand is properly characterized as a sentence-four rather than a sentence-six remand.

HOLDINGS

1. A sentence-four remand is appropriate where the court enters a judgment reversing the Commissioner's decision and remands the case for further administrative proceedings; a sentence-six remand is reserved for the statutory circumstances identified in § 405(g), including a pre-answer request by the Commissioner or qualifying new and material evidence.
2. The magistrate judge recommended granting the Commissioner's unopposed motion, reversing the case, and remanding it to the Commissioner for further administrative action.

KEY QUOTATIONS

“A sentence four remand “requires the district court to enter a decision on the merits before remanding a case to the Commissioner.”” (501 U.S. at 98)

“The district court does not . . . rule in any way as to the correctness of the administrative determination. Rather, the court remands” (501 U.S. at 98)

“Immediate entry of judgment (as opposed to entry of judgment after post-remand agency proceedings have been completed and their results filed with the court) is the principal feature that distinguishes a sentence-four remand from a sentence-six remand.” (509 U.S. at 296-97)

FACTUAL BACKGROUND

The supplied opinion contains no substantive facts concerning Plaintiff's underlying claim for Social Security benefits. The material procedural fact is that the Commissioner filed an unopposed motion seeking reversal and remand for further administrative action.

PROCEDURAL HISTORY

Plaintiff sought judicial review of a Social Security determination. Before answering the complaint, the Commissioner filed an unopposed motion to reverse and remand. The magistrate judge recommended a sentence-four remand and directed service of the recommendation, subject to objections under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Commissioner for further administrative action under sentence four of 42 U.S.C. § 405(g).

CASES CITED

- *Melkonyan v. Sullivan*, 501 U.S. 89 (1991)
- *Schriner v. Comm'r, Soc. Sec. Admin.*, No. 3:08-CV-2042-N, 2010 WL 2941120, at *15 (N.D. Tex. June 22, 2010), recommendation adopted, 2010 WL 2944782 (N.D. Tex. July 22, 2010)
- *Shalala v. Shaefer*, 509 U.S. 292 (1993)
- *McKenzie v. Astrue*, 442 F. App'x 161 (5th Cir. 2011)
- *Chelette v. United States Comm'r of Soc. Sec.*, No. 1:11-CV-1860, 2012 WL 2870842, at *2 (W.D. La. June 12, 2012), recommendation adopted, 2012 WL 2873635 (W.D. La. July 12, 2012)
- *Istre v. Apfel*, 208 F.3d 517, 520 (5th Cir. 2000)
- *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc), modified by statute on other grounds, 28 U.S.C. § 636(b)(1)

OPINION

Falkowski

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

ALYSSA F.,¹ §

§ Plaintiff, § § v. § § Civil Action No. 4:25-CV-00814-BU

COMMISSIONER, SOCIAL §

SECURITY ADMINISTRATION, §

§ Defendant. § §

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

OF THE UNITED STATES MAGISTRATE JUDGE

Before the Court is Defendant's Unopposed Motion to Reverse and Remand. Dkt. No. 21. Defendant seeks remand pursuant to the fourth sentence of 42 U.S.C. § 405(g). For good cause shown, the undersigned recommends that United States District Judge Pittman GRANT the Motion, REVERSE this case, and REMAND it to the Commissioner for further administrative action. In *Melkonyan v. Sullivan*, 501 U.S. 89, 97–102 (1991), the Supreme Court made clear that there are only two types of remand orders permitted under 42 U.S.C. § 405(g). The first method arises under “[t]he fourth sentence of § 405(g) [that] authorizes a court to enter ‘a judgment affirming, modifying, or reversing the decision of the [Commissioner], with or without remanding the cause for a rehearing.’” *Id.* at 98 (citing 42 U.S.C. § 405(g)). A sentence four remand “requires the district court to enter a decision on the merits before 1 Due to concerns regarding the privacy

of sensitive personal information available to the public through opinions in Social Security cases, Plaintiff is identified only by first name and last initial. remanding a case to the Commissioner.” *Schriner v. Comm’r, Soc. Sec. Admin.*, No. 3:08- CV-2042-N, 2010 WL 2941120, at *15 (N.D. Tex. June 22, 2010), rec. adopted, 2010 WL 2944782 (N.D. Tex. July 22, 2010) (citing *Melkonyan*, 501 U.S. at 98). The second method arises under the sixth sentence of § 405(g) and “may be ordered in only two situations: where the [Commissioner] requests a remand before answering the complaint, or where new, material evidence is adduced that was for good cause not presented before the agency.” *Shalala v. Shaefer*, 509 U.S. 292, 297 n.2 (1993) (citing § 405(g); *Melkonyan*, 501 U.S. at 99–100). Under sentence six, “[t]he district court does not . . . rule in any way as to the correctness of the administrative determination. Rather, the court remands” the case for reconsideration if the “new evidence might have changed the outcome of the prior proceeding.” *Melkonyan*, 501 U.S. at 98; see also *McKenzie v. Astrue*, 442 F. App’x 161, 162 (5th Cir. 2011). The “[i]mmediate entry of judgment (as opposed to entry of judgment after post-remand agency proceedings have been completed and their results filed with the court) is the principal feature that distinguishes a sentence-four remand from a sentence-six remand.” *Chelette v. United States Comm’r of Soc. Sec.*, No. 1:11-CV-1860, 2012 WL 2870842, at *2 (W.D. La. June 12, 2012), rec. adopted, 2012 WL 2873635 (W.D. La. July 12, 2012) (citing *Shaefer*, 509 U.S. at 296–97 and *Istre v. Apfel*, 208 F.3d 517, 520 (5th Cir. 2000)). Here, the Commissioner’s Motion is unopposed. Dkt. No. 21. Under these circumstances, remand under sentence four of U.S.C. § 405(g) is appropriate. Having carefully considered Defendant’s Motion, and noting that it is unopposed, the undersigned RECOMMENDS that Judge Pittman GRANT the Motion, REVERSE this case, and REMAND it to the Commissioner for further administrative action. A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within fourteen days after being served with a copy. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge’s findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. See *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc), modified by statute on other grounds, 28 U.S.C. § 636(b)(1) (extending the time to file objections to 14 days). ORDERED this 4th day of February 2026.

IRD

JOHN R. PARKER

UNITED STATES MAGISTRATE JUDGE

