

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DONNA JEAN GARNER,  
*on behalf of*  
T.M.G., a minor,

Plaintiff,

vs.

Case No. 17-1095-SAC

NANCY A. BERRYHILL,  
Acting Commissioner of  
Social Security,<sup>1</sup>

Defendant.

MEMORANDUM AND ORDER

On November 24, 2017, defendant filed a motion to remand, stating that remand for further proceedings is warranted (Doc. 13-14). In that motion, defendant states that counsel for plaintiff advised agency counsel to file this motion and indicated that Plaintiff would later decide whether she would oppose (Doc. 13 at 1).

Any response to this motion was due within 14 days. D. Kan. Rule 6.1(d)(1). As of this date, plaintiff has not responded to the motion, nor has plaintiff sought additional time to respond to the motion. The court will therefore

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<sup>1</sup> On January 20, 2017, Nancy A. Berryhill replaced Carolyn W. Colvin as Acting Commissioner of Social Security.

consider and decide this motion as an uncontested motion. D.  
Kan. Rule 7.4(b).

In the absence of any response from the plaintiff, the  
court find that good cause has been shown to grant the motion.  
On remand, the Commissioner is directed to address all the  
issues raised by plaintiff in her brief (Doc. 12).

IT IS THEREFORE ORDERED that the motion to reverse the  
decision of the Commissioner and remand for further proceedings  
(Doc. 13-14) is granted.

IT IS FURTHER ORDERED that the judgment of the Commissioner  
is reversed and remanded pursuant to sentence four of 42 U.S.C.  
§ 405(g) for further proceedings consistent with this memorandum  
and order.

Dated this 17<sup>th</sup> day of January 2018, Topeka, Kansas.

s/Sam A. Crow  
Sam A. Crow, U.S. District Senior Judge