

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

VALERIE HESTER,)
)
Plaintiff,)
)
v.)
) 1:14CV751
CAROLYN W. COLVIN, Acting)
Commissioner of Social Security,)
)
Defendant.)

ORDER

On March 31, 2016, in accordance with 28 U.S.C. § 636(b), the Memorandum Opinion and Recommendation of the United States Magistrate Judge ("Recommendation") was filed [Doc. #19] and served on the parties in this action [Doc. #20]. The Magistrate Judge recommended granting Plaintiff Valerie Hester's Motion for Judgment on the Pleadings [Doc. #9] to the extent that remand is requested, denying Defendant Carolyn W. Colvin's Motion for Judgment on the Pleadings [Doc. #11], and denying as moot Hester's additional motions requesting reversal [Docs. #14, 15].

Within the time limitation set forth in the statute, the Commissioner did not file objections, but Hester, pro se as of February 1, 2016, did file several requests for relief: a "Motion to Suppress, Reverse and Dismiss the Defendants [sic] Claim" related to a "Qui Tam Suit Whistle Blower Criminal Complaint" [Doc. #21], a letter explaining why "it will be impossible for [Hester] to make it to a second hearing"

[Doc. #22], a “Qui Tam Suit Criminal Complaint” [Doc. #23], an “Addendum to Criminal Complaint” [Doc. #24], and an “Addendum to Qui Tam Suit Whistle Blower Criminal Complaint” [Doc. #25]¹. After the time by which the parties were to have filed objections, Hester also filed other requests for relief: a “Civil Suit” in Case Number 1:16CV410 [Doc. #26], a letter understood to be a motion to expedite [Doc. #27], an “Addendum to Civil Suit and Criminal Complaint” [Doc. #28], a request for award of benefits [Doc. #29], a request to provide further medical support for her previous requests for relief [Doc. #30], and supplemental information for her “Criminal Complaint” [Doc. #31].

First, to the extent that Hester raises arguments to reverse the Commissioner’s decision, the Magistrate Judge has recommended that the Commissioner’s decision be reversed and that the matter be remanded. Next, in her timely requests for relief, Hester objects to the recommendation that the case be remanded and urges the Court to award benefits now. As the Magistrate Judge explained, the scope of this Court’s role in reviewing the Commissioner’s final decision is “specific and narrow” and “limited to determining if there is substantial evidence in the record to support the Commissioner’s decision” and if the Commissioner’s decision “was reached based upon a correct application of the relevant law.” (Recommendation at 2-3.) In this capacity as a reviewing court, it is not within the Court’s authority to award Hester benefits, accept additional medical

¹Although this filing was docketed on April 28, Hester dated it April 18, 2016.

evidence, or address some of the other matters that Hester raises in this case². To that extent and within its scope of review, the Court has made a de novo determination which is in accord with the Magistrate Judge's report and, therefore, adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Commissioner's decision finding no disability be **REVERSED**, and that the matter be **REMANDED** to the Commissioner under sentence four of 42 U.S.C. § 405(g). **IT IS FURTHER ORDERED** that the Commissioner be directed to remand the matter to the Administrative Law Judge for further proceedings consistent with this Order. **IT IS FURTHER ORDERED** that Plaintiff's Motion for Judgment on the Pleadings [Doc. #9] is **GRANTED** to the extent remand is requested, Defendant's Motion for Judgment on the Pleadings [Doc. #11] is **DENIED**, and Plaintiff's additional motions requesting reversal [Docs. #14, 15], Plaintiff's Motion to Suppress, Reverse and Dismiss the Defendant's Claim [Doc. #21], and Plaintiff's Motion to Expedite [Doc. #27] are **DENIED AS MOOT**. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 29th day of September, 2016.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge

²It does appear that Hester is pursuing some of these matters in her separate civil action, Case Number 1:16CV410.