

October 20, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40324
Summary Calendar

MICHAEL J. MORALES,

Plaintiff-Appellant,

versus

JO ANNE B. BARNHART, Commissioner of
the Social Security Administration,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-03-CV-82

Before JOLLY, DAVIS, and WIENER, Circuit Judges.

PER CURIAM:*

Michael J. Morales appeals the affirmance of the Commissioner's denial of his application for Supplemental Security Income. The Commissioner has filed an unopposed motion to remand for further administrative proceedings, pursuant to the fourth sentence of 42 U.S.C. § 405(g).

A remand pursuant to the fourth sentence of 42 U.S.C. § 405(g) requires that this court also enter a judgment affirming, reversing, or modifying the Commissioner's decision.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

See Shalala v. Schaefer, 509 U.S. 292, 296-97 (1993). Therefore, we REVERSE the district court's judgment, GRANT the motion to remand, and REMAND to the district court with instructions to remand to the Commissioner for rehearing.