

1 BENJAMIN B. WAGNER
 United States Attorney
 2 LUCILLE GONZALES MEIS
 Regional Chief Counsel, Region IX
 3 Social Security Administration
 KATHRYN R. WATSON
 4 Special Assistant United States Attorney
 California Bar No. 244142
 5 333 Market Street, Suite 1500
 San Francisco, California 94105
 6 Telephone: (415) 977-8928
 Facsimile: (415) 744-0134
 7 E-Mail: kathryn.watson@ssa.gov

8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA
 11 **FRESNO DIVISION**

13 MARQUEL T. A. by and through)
 his guardian ad litem KIM)
 14 LUMINARIAS,,)
)
 15 v.)
)
 16 MICHAEL J. ASTRUE,)
 Commissioner of)
 17 Social Security,)
)
 18 Defendant.)
 _____)

CIVIL NO. 1:09-CV-00786-JLT
 STIPULATION AND ORDER FOR
 REMAND

19
 20 IT IS HEREBY STIPULATED, by and between the parties, through their respective
 21 counsel of record, that this action be remanded to the Commissioner of Social Security for further
 22 administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42
 23 U.S.C. § 405(g), sentence four.

24 On remand, the Appeals Council will instruct the Administrative Law Judge (ALJ) to take
 25 the following action: The ALJ will give the claimant an opportunity for a new hearing, be directed to
 26 arrange for the opinion of a medical expert pursuant to Howard ex rel Wolff v. Barnhart, 341 F.3d 1006
 27 (9th Cir. 2003). The ALJ will further consider the evidence contained in the subsequent application as it
 28 is material to the period before him, further consider the lay witness evidence regarding the claimant's

1 subjective complaints, and further evaluate the claimant's mental impairments.

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3 Respectfully submitted,

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5 Dated: April 9, 2010

/s/ Lawrence D. Rohlfing
(As authorized by phone)
LAWRENCE D. ROHLFING
Attorney for Plaintiff

6
7
8 Dated: April 9, 2010

BENJAMIN B. WAGNER
United States Attorney
LUCILLE GONZALES MEIS
Regional Chief Counsel, Region IX
Social Security Administration

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10
11 /s/ Kathryn R. Watson
KATHRYN R. WATSON
Special Assistant United States Attorney

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13
14 **ORDER**

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16 Pursuant to the Stipulation of the Parties, the Court orders remand of this matter to the
17 Commissioner of the Social Security Administration for further proceedings pursuant to sentence 4 of 42
18 U.S.C. § 405(g). The Clerk of Court is directed to enter judgment in favor of Plaintiff and against
19 Defendant Commissioner of the Social Security Administration.

20
21 IT IS SO ORDERED.

22 Dated: April 12, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE