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14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA  
 16 FRESNO DIVISION

17 MARIA MENDOZA,	)	Case No. 1:09-CV-01104-JLT
18 Plaintiff,	)	
19 v.	)	STIPULATION AND PROPOSED ORDER FOR
20 MICHAEL J. ASTRUE,	)	REMAND PURSUANT TO SENTENCE FOUR OF
21 Commissioner of Social Security,	)	42 U.S.C. § 405(g), AND REQUEST FOR ENTRY
22 Defendant.	)	OF JUDGMENT IN FAVOR OF PLAINTIFF AND
23	)	AGAINST DEFENDANT

24 IT IS HEREBY STIPULATED, by and between the parties, through their respective  
 25 counsel of record, that this action be remanded to the Commissioner of Social Security for further  
 26 administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C.  
 27 § 405(g), sentence four.

28 On remand, the Appeals Council will instruct the administrative law judge (ALJ) to take  
 the following action:

The ALJ will be directed to offer Plaintiff a new hearing and the opportunity to present  
 new evidence. The ALJ will give further consideration to the severity of Plaintiff's physical  
 impairment or impairments at step two in the sequential evaluation process. Additionally, in  
 accordance with Social Security Ruling 06-3p, the ALJ will explain the weight given to the  
 medical opinions and other source opinions of record, including, but not limited to, Drs. Carbonell  
 and Pentschev and Julie Guyette, FNP. In addressing whether Plaintiff is capable of performing

1 her past relevant work, the ALJ will comply with Social Security Ruling 82-62. Additionally, if  
2 warranted by the expanded record, the ALJ should consider the need for medical expert and  
3 vocational expert advice.

4 The parties stipulate that no specific aspect of the ALJ's prior decision is affirmed.

5 The parties further request that the Clerk of the Court be directed to enter a final judgment  
6 in favor of Plaintiff, and against Defendant, Commissioner of Social Security, reversing the final  
7 decision of the Commissioner. Nothing in this proposed order shall be taken to affect Plaintiff's  
8 right to request Equal Access to Justice Act (EAJA) attorney's fees under 28 U.S.C. § 2412, or  
9 costs under 28 U.S.C. § 1920, or to prevent Defendant from opposing any such requests.

10 Respectfully submitted,

11 Dated: April 28, 2010

s/ Sengthiene Bosavanh  
(As authorized by email)  
SENGTHIENE BOSAVANH  
Attorney for Plaintiff

13  
14 Date: April 28, 2010

BENJAMIN B. WAGNER  
United States Attorney

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16 By s/ Daniel P. Talbert  
DANIEL P. TALBERT  
17 Special Assistant U. S. Attorney

18 Attorneys for Defendant

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20 **ORDER**

21 Pursuant to the Stipulation of the Parties, the Court orders remand of this matter to the  
22 Commissioner of the Social Security Administration for further proceedings pursuant to sentence  
23 4 of 42 U.S.C. § 405(g). The Clerk of Court is directed to enter judgment in favor of Plaintiff and  
24 against Defendant Commissioner of the Social Security Administration.

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26 IT IS SO ORDERED.

27 Dated: April 29, 2010

/s/ Jennifer L. Thurston

UNITED STATES MAGISTRATE JUDGE

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