

1 BENJAMIN B. WAGNER
 United States Attorney
 2 LUCILLE GONZALES MEIS
 Regional Chief Counsel, Region IX
 3 Social Security Administration
 JEAN TURK (CSB #131517)
 4 Special Assistant United States Attorney

5 333 Market Street, Suite 1500
 San Francisco, California 94105
 6 Telephone: (415) 977-8935
 Facsimile: (415) 744-0134
 7 E-Mail: jean.turk@ssa.gov

8 Attorneys for Defendant

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

13 BENITO G. GOMEZ,)
)
 14 Plaintiff,)
)
 15 v.)
)
 16 MICHAEL J. ASTRUE,)
 Commissioner of)
 17 Social Security,)
)
 18 Defendant.)
 _____)

CIVIL NO. 1:10-CV-02128-GSA

STIPULATION AND ORDER FOR
 REMAND PURSUANT TO SENTENCE SIX
 OF 42 U.S.C. § 405(g)

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

24 The recording (which is in the form of a multimedia file on a compact disc) has been rendered
 25 unavailable or defective because the compact disc is encrypted. Upon receipt of the court order
 26 remanding this case, the Commissioner will determine if the encryption can be removed and a complete
 27
 28

1 transcript can be prepared so that a complete administrative record can be certified. If not, a *de novo*
2 hearing will be held and a new decision issued.

3 Further, defendant agrees to file with the Court and serve on plaintiff a Status Report every 90
4 days from the date this order is filed with the Court in the event the recording cannot be accessed within
5 that time period.

6 Respectfully submitted,

7 Dated: February 25, 2011

/s/ Laura Eve Krank
(As authorized via e-mail)
LAURA EVE KRANK
Attorney for Plaintiff

9 Dated: March 2, 2011

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

13 /s/ Jean M. Turk
JEAN M. TURK
Special Assistant U.S. Attorney

15 **ORDER**

16 The Court has reviewed the parties' stipulation for remand. Because the recording of the
17 hearing is unavailable, good cause exists to remand the claim to the Commissioner for appropriate action
18 to produce a record pursuant to sentence six of section 205(g) of the Social Security Act, 42 U.S.C. §
19 405(g). Defendant shall file a status report every 90 days from the date of this order informing the Court
20 on the progress of obtaining a record of Plaintiff's hearing, or in the alternative, scheduling a new
21 hearing before an Administrative Law Judge. The Clerk of the Court is directed to close this case.
IT IS SO ORDERED.

22 Dated: March 2, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE