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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MONTE Y. SHAW,)	1:10-cv-02350 JLT
)	
Plaintiff,)	STIPULATION AND ORDER FOR REMAND
)	PURSUANT TO SENTENCE SIX OF 42 U.S.C. §
v.)	405(g)
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

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

Remand is necessary because the Appeals Council has notified agency counsel that the claim file associated with Plaintiff’s complaint cannot be located at this time. Upon receipt of the remand order, the Commissioner will continue to search for the claim file. If the claim file cannot be located within a reasonable period of time, the Appeals Council will remand the case for a de novo hearing with instructions to the ALJ to reconstruct the claim file, hold a new hearing, and issue a new decision. If appropriate, the Commissioner will reinstate the action in this Court when the record is complete, and Plaintiff should be afforded the opportunity to file an amended complaint at that time.

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Respectfully submitted,

Date: June 29, 2011

/s/
(As authorized by email on June 29, 2011)
Ann Cerney
Attorney for Plaintiff

Date: June 29, 2011

BENJAMIN B. WAGNER
United States Attorney

By: /s/ Peter Thompson
PETER THOMPSON
Special Assistant United States Attorney

ORDER

Upon the stipulation of the parties, the Court hereby **ORDERS**:

1. The matter is remanded pursuant to the sixth sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g);
2. The parties are **ORDERED to file a joint status report every 60 days** after the date of this order updating the Court of the activities below; and
3. The Clerk of Court is **DIRECTED to ADMINISTRATIVELY CLOSE** the case.
The Court will direct the Clerk to re-open the case if or when the matter is concluded below.

IT IS SO ORDERED.

Dated: June 30, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE