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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

PATRICIA COOKE,) Case No. 1:11-CV-01478-GSA
Plaintiff,)
v.) STIPULATION AND ORDER
CAROLYN W. COLVIN,) TO REOPEN THIS CASE
Acting Commissioner of Social Security,)
Defendant.¹)
)
)

IT IS HEREBY STIPULATED, by and between the parties, to reopen the above-captioned matter. A previous order of remand, pursuant to sentence six of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), was entered on April 6, 2012, for the purpose of correcting errors in the administrative record and of locating missing portions of the administrative record.

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Michael J. Astrue as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Stip. & Prop. Re Reopening

1 (Order on Remand, Doc. 17). On November 20, 2012, an administrative law judge (ALJ) held a
2 subsequent hearing, at which Plaintiff testified, resulting in a January 11, 2013 decision and
3 finding that Plaintiff is not disabled.
4

5 Under sentence six of 42 U.S.C. § 405(g), “[t]he court may, on motion of the
6 Commissioner of Social Security made for good cause before the Commissioner files the
7 Commissioner’s answer, remand the case to the Commissioner of Social Security for further
8 action by the Commissioner of Social Security.” 42 U.S.C. § 405(g). The remanding court retains
9 jurisdiction when it remands under sentence six. See Shalala v. Schaefer, 509 U.S. 292, 297
10 (1993) (“[i]mmediate entry of judgment (as opposed to entry of judgment after postremand agency
11 proceedings have been completed and their results filed with the court) is in fact the principal
12 feature that distinguishes a sentence-four remand from a sentence-six remand”). In the instant
13 case, this Court remanded pursuant to sentence six, and retains jurisdiction. See id. Given the
14 subsequent unfavorable decision, reopening is appropriate.
15

16 The parties stipulate to reopen this matter for resolution before this Court.
17

18
19 Respectfully submitted,

20 Dated: June 6, 2013

/s/ Sengthiene Bosavanh
(as authorized via e-mail)
SENGTHIENE BOSAVANH
Attorney for Plaintiff

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24 Date: June 6, 2013

BENJAMIN B. WAGNER
United States Attorney

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27 By s/ Elizabeth Barry
ELIZABETH BARRY
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Special Assistant U. S. Attorney

Attorneys for Defendant

ORDER

Upon review of the stipulation, the Clerk of the Court is ordered to reopen this case. A new scheduling order will be issued setting deadlines in this case.

IT IS SO ORDERED.

Dated: June 7, 2013

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE