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6 **UNITED STATES DISTRICT COURT**  
7 **EASTERN DISTRICT OF CALIFORNIA**  
8 **FRESNO DIVISION**  
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10 PATRICIA COOKE, ) Case No.: 1:11-CV-1478-GSA  
11 Plaintiff, )  
12 vs. ) STIPULATED MOTION FOR REMAND  
13 CAROLYN W. COLVIN, ) PURSUANT TO SENTENCE SIX OF 42  
Commissioner of Social Security, ) U.S.C. § 405(g) FOR FURTHER  
14 ) ADMINISTRATIVE PROCEEDINGS AND  
Defendant. ) ORDER  
15 )

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17 **I. INTRODUCTION**

18 The parties, through their respective counsel of record, hereby move this Court to remand  
19 the above-captioned case to the Commissioner of Social Security (Commissioner) for further  
20 administrative proceedings, pursuant to sentence six of 42 U.S.C. § 405(g).

21 **II. STATEMENT OF THE CASE**

22 The district court does not have a final decision from the Commissioner to review  
23 because Plaintiff's written exceptions to the ALJ's January 11, 2013 decision are currently being  
24 considered by the Appeals Council. After the Court remanded this case on April 6, 2012 for the  
25 ALJ to correct the deficiencies in the transcript (Doc. No. 17), the Appeals Council vacated the  
26 administrative decision and remanded this matter to the hearing office for further administrative  
27 proceedings (Doc. No. 19). The ALJ then held a hearing, at which Plaintiff testified, and issued  
28 a decision dated January 11, 2013 finding Plaintiff not disabled (Doc. No. 21). Plaintiff's

1 council subsequently filed written exceptions to the ALJ's decision. The parties prematurely  
2 moved to re-open this case on June 6, 2013 before the Appeals Council had reviewed the ALJ's  
3 new decision (Doc. No. 23). The Appeals Council told Defendant on December 16, 2013 that it  
4 is still in the process of reviewing Plaintiff's written exceptions. Therefore, there is no final  
5 decision of the Commissioner in this matter for the Court to review under 42 U.S.C. § 405(g).

6 **III. ARGUMENT**

7 This Court should remand Plaintiff's case for further administrative proceedings to give the  
8 Appeals Council the opportunity to review the ALJ's January 11, 2013 decision. This remand is  
9 necessary because district court review is not, otherwise, possible. Following remand, Defendant  
10 will provide status updates to the Court on this matter and move for a re-opening of the case if  
11 the Commissioner issues a final decision.

12 **IV. CONCLUSION**

13 For the foregoing reasons, the parties request this Court to remand the matter to the  
14 Appeals Council.

15 Dated: December 20, 2013

Respectfully submitted,  
16 /s/ SENGTHIENE BOSAVANH  
(as authorized via email on December 18, 2013)  
17 SENGTHIENE BOSAVANH  
Attorney for Plaintiff

18  
19 Dated: December 20, 2013

BENJAMIN B. WAGNER  
United States Attorney  
DONNA L. CALVERT  
Regional Chief Counsel, Region IX  
Social Security Administration

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23 By: /s/ Shea Lita Bond  
SHEA LITA BOND  
24 Special Assistant U.S. Attorney  
25 Attorneys for Defendant

26 **ORDER**

27 The Court adopts the parties' stipulation outlined above. Accordingly, this case is  
28 remanded to the Appeals Council pursuant to sentence xix of 42 U.S.C. § 405(g). The parties

1 shall file a status report every 120 days advising the Court of the status of this case. The Clerk of  
2 the Court is directed to close this case.

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5 IT IS SO ORDERED.

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7 Dated: January 6, 2014

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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