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8 Attorneys for Defendant

9  
 10 IN THE UNITED STATES DISTRICT COURT FOR THE  
 11 EASTERN DISTRICT OF CALIFORNIA  
 12 FRESNO DIVISION

13	NORA ELIZABETH DIAZ,	)	1:12-CV-00660-SKO
14	Plaintiff,	)	<b>STIPULATION AND ORDER TO REMAND</b>
15	v.	)	
16	CAROLYN W. COLVIN <sup>1</sup> ,	)	
17	Acting Commissioner of Social Security,	)	
18	Defendant.	)	

19  
 20 The parties hereby stipulate by counsel, with the Court’s approval as indicated by issuance of  
 21 the attached Order, that the above-referenced case be remanded to the Commissioner of Social  
 22 Security for further administrative proceedings, pursuant to sentence four of 42 U.S.C. section 405(g).

23 On remand, the Appeals Council will instruct the Administrative Law Judge to take the  
 24 following action:

25  
 26 <sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14,  
 27 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be  
 28 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).

- 1) Give the claimant an opportunity for a hearing;
- 2) Obtain additional evidence related to the period at-issue;
- 3) Re-evaluate the claimant's residual functional capacity;
- 4) Re-evaluate the claimant's ability to perform her past work;
- 5) Proceed to step five if warranted;
- 6) Obtain the testimony of a vocational expert if warranted; and
- 7) Otherwise develop the record as needed.

The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of plaintiff; and against defendant, Commissioner of Social Security, reversing the final decision of the Commissioner and remanding for further proceedings.

Respectfully submitted,

Dated: February 14, 2013

Andrew T. Koenig  
(Authorized via telephone)  
ANDREW T. KOENIG  
Attorney for Plaintiff

Dated: February 14, 2013

BENJAMIN B. WAGNER  
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THEOPHOUS H. REAGANS  
Special Assistant U.S. Attorney

Attorneys for Defendant

IT IS SO ORDERED.

Dated: February 19, 2013

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE