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14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA  
 16 FRESNO DIVISION

17 LUCIA DAVIS,	)	Case No. 1:12-cv-00788-BAM
18 Plaintiff,	)	
19 v.	)	STIPULATION AND PROPOSED ORDER FOR
	)	REMAND FOR FURTHER PROCEEDINGS
	)	PURSUANT TO SENTENCE FOUR OF
20 MICHAEL J. ASTRUE,	)	42 U.S.C. § 405(g), AND FOR ENTRY OF
21 Commissioner of Social Security,	)	JUDGMENT IN FAVOR OF PLAINTIFF
22 Defendant.	)	AND AGAINST DEFENDANT
	)	

23 IT IS HEREBY STIPULATED, by and between the parties, through their respective  
 24 counsel of record, that this action be remanded to the Commissioner of Social Security for further  
 25 administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C.  
 26 § 405(g), sentence four.

27 Remand is required because the administrative law judge (ALJ) relied on a medical  
 28 source opinion that is incomplete and has pages missing. On remand, the administrative law  
 judge (ALJ) will fully develop the record and offer the claimant an opportunity for a new hearing.  
 The ALJ will attempt to contact the medical sources for clarification of their opinions; will further  
 evaluate the claimant’s impairments and subjective complaints; will determine the claimant’s  
 residual functional capacity, with consideration of the opinions and evidence of record; and issue

1 a new decision.

2 The parties further request that the Clerk of the Court be directed to enter a final judgment  
3 in favor of Plaintiff, and against Defendant, Commissioner of Social Security, reversing the final  
4 decision of the Commissioner. The parties agree that no aspect of the Commissioner's final  
5 decision is affirmed and that the ALJ will render a *de novo* decision on remand. Nothing in this  
6 proposed order shall be taken to affect Plaintiff's right to request Equal Access to Justice Act  
7 (EAJA) attorney's fees under 28 U.S.C. § 2412, or costs under 28 U.S.C. § 1920, or to prevent  
8 Defendant from opposing any such requests.

9 Respectfully submitted September 11, 2012.

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11 Dated: September 11, 2012

Respectfully submitted,

/s/ Brian Shapiro

(As authorized via email)

BRIAN SHAPIRO

Attorney for Plaintiff

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17 Date: September 11, 2012

BENJAMIN B. WAGNER

United States Attorney

By s/ Daniel P. Talbert

DANIEL P. TALBERT

Special Assistant U. S. Attorney

Attorneys for Defendant Michael J. Astrue

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20  
21 ORDER

22 Based on the Stipulation of the parties (Doc. 11), this action is hereby remanded to the  
23 Commissioner of Social Security for further administrative action in a manner consistent with the  
24 above Stipulation.

25 IT IS SO ORDERED.

26  
27 Dated: September 11, 2012

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE

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