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9 Attorneys for Defendant

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION

13 RICHARD NICHOLAS ACOSTA, SR.,)
14)

15 Plaintiff,)

16 vs.)

17 CAROLYN W. COLVIN, Acting Commissioner)
18 of Social Security,)

19 Defendant.)

CIVIL NO. 1:14-cv-01422-BAM

**STIPULATION AND ORDER TO
VOLUNTARY REMAND PURSUANT
TO SENTENCE FOUR OF 42 U.S.C.
§ 405(g) AND TO ENTRY OF
JUDGMENT**

20
21 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the
22 approval of the Court, that the Commissioner has agreed to a voluntary remand of this case pursuant to
23 sentence four of 42 U.S.C. § 405(g).

24
25 On remand, the Appeals Council will remand the case to an administrative law judge (ALJ) for a
26 new hearing and decision. The Appeals Council will instruct the ALJ to update the record and further
27 consider Plaintiff's physical medically determinable impairments at steps 2 and 3 of the sequential evaluation
28 process, and in so doing, obtain consultative expert evidence to assist by providing a longitudinal overview

1 of the nature, severity, and limiting effects of Plaintiff's physical medically determinable impairments
2 throughout the period at issue; further evaluate all of the medical opinions of record, and give reasons for the
3 weight assigned, further evaluate Plaintiff's maximum residual functional capacity with citations to evidence
4 of record in support of the assessed limitations, and at step five, obtain supplemental vocational expert
5 evidence and resolve any conflicts between the vocational expert testimony and the Dictionary of
6 Occupational Titles.
7

8 The parties further request that the Clerk of the Court be directed to enter a final judgment in
9 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

10 Respectfully submitted,

11 Dated: July 21, 2015

12 BENJAMIN B. WAGNER
13 United States Attorney
14 DONNA L. CALVERT
15 Acting Regional Chief Counsel, Region IX
16 Social Security Administration

17 By: /s/ Esther Kim
18 Esther Kim
19 Special Assistant U.S. Attorney
20 Attorneys for Defendant

21 Dated: July 21, 2015

22 /s/ Shellie Lott
23 Shellie Lott
24 (as authorized via email)
25 Attorney at Law
26 Attorney for Plaintiff

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ORDER

Pursuant to the Stipulation of the parties (Doc. 18), it is hereby ORDERED this action be remanded to the Commissioner of Social Security for further administrative action consistent with the above Stipulation.

IT IS SO ORDERED.

Dated: July 22, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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