

1 ROCKWELL, KELLY, DUARTE & URSTOEGER, LLP

2 By: Sharon E. Kelly

3 State Bar No 187936

4 P.O. Box 0142

5 Modesto, CA 95353

6 Phone (209) 521-2552

7 Fax: (209) 526-7898

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 MARCOS MARIA GODINEZ,

12 Plaintiff,

13 vs.

14 NANCY A. BERRYHILL, Acting

15 Commissioner of Social Security,

16 Defendant

) Case No.: 1:16-cv-00789-EPG

)

) STIPULATION AND PROPOSED ORDER

) FOR DISMISSAL

)

)

)

)

)

17 TO THE HONORABLE ERICA P. GROSJEAN, MAGISTRATE JUDGE OF THE  
18 UNITED STATES DISTRICT COURT:

19 Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule  
20 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for  
21 Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs  
22 to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social  
23 Security Act, 42 U.S.C. § 405(g).

24 IT IS HEREBY STIPULATED by and between Maria Marcos Godinez (“Plaintiff”) and  
25 Nancy A. Berryhill as the Acting Commissioner of Social Security (“Defendant”), that this

1 matter be dismissed with prejudice, each party to bear its own fees, costs and expenses. The  
2 parties enter into this Stipulation pursuant to the terms of F.R.Civ.P. Rule 41(a)(1)(A)(ii) and  
3 41(a)(1)(B).

4 Dated: March 6, 2017

Respectfully submitted,

5 By: /s/ Sharon E. Kelly  
6 Sharon E. Kelly  
Attorney for Plaintiff

7 Dated: March 6, 2017

Phillip A. Talbert  
United States Attorney

8  
9 By: /s/ Donna Wade Anderson  
(Per e-mail authorization)  
10 Donna Wade Anderson  
Special Assistant United States Attorney

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2 **ORDER**

3 On March 6, 2017, the parties filed a stipulation dismissing this action with prejudice.  
4 (ECF No. 16.) All parties have agreed to the stipulation. In light of the stipulation, this action has  
5 been terminated, *see* Fed. R. Civ. P. 41(a)(1)(A)(ii); *Wilson v. City of San Jose*, 111 F.3d 688,  
6 692 (9th Cir. 1997), and has been dismissed with prejudice. Accordingly, the Clerk of the Court  
7 is DIRECTED to close this case.

8 IT IS SO ORDERED.

9 Dated: March 6, 2017

10 /s/ Eric P. Gray  
11 UNITED STATES MAGISTRATE JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25