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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

ANGELICA MARIA RAMERIZ,	)	Case No.: 1:16-cv-0845 – JLT
Plaintiff,	)	ORDER REOPENING THE MATTER
v.	)	ORDER DIRECTING ENTRY OF JUDGMENT IN
NANCY A. BERRYHILL <sup>1</sup> ,	)	FAVOR OF PLAINTIFF ANGELICA MARIA
Acting Commissioner of Social Security,	)	RAMERIZ AND AGAINST DEFENDANT
Defendant.	)	NANCY A. BERRYHILL, ACTING
	)	COMMISSIONER OF SOCIAL SECURITY

Angelica Maria Rameriz initiated this action on June 18, 2016, seeking judicial review of the decision to deny her application for benefits. (*See* Doc. 1) By stipulation of the parties, the Court remanded the action for further proceedings pursuant to sentence six of 42 U.S.C. § 405(g), because the claim file associated with Plaintiff’s complaint could not be located. (Doc. 9)

Importantly, a sentence six remand “is always interlocutory and never a ‘final’ judgment.” *Carrol v. Sullivan*, 802 F. Supp. 295, 300 (C.D. Cal. 1992). Therefore, in a sentence-six remand case, the Court retains jurisdiction following the remand for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991) (district court retains jurisdiction over Social Security cases remanded under sentence six of 42 U.S.C. § 405(g)). Thus, the Court retained jurisdiction in this action, which must return to the Court following completion of the administrative proceedings for final judgement to

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<sup>1</sup> Nancy A. Berryhill is now Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Court substitutes Nancy A. Berryhill for her predecessor, Carolyn W. Colvin, as the defendant.

1 entered, or for the action to be dismissed. *Id.*; *see also Shalala v. Schaefer*, 509 U.S. 292, 298-300  
2 (1993).

3 The parties report that following the Court’s remand, “an administrative law judge... issued a  
4 fully favorable decision in Plaintiff’s case” on July 28, 2017 (Doc. 12 at 1; Doc. 12-1 at 2) Therefore,  
5 on February 8, 2018, the parties stipulated that the action be re-opened and agree that “judgment should  
6 be entered for Plaintiff.” (Doc. 12 at 2) Because the administrative proceedings were resolved in favor  
7 of Plaintiff, it is appropriate for the Court to re-open the matter and enter judgment in favor of Plaintiff,  
8 as requested by the parties. *See Melkonyan*, 501 U.S. at 98. Accordingly, the Court **ORDERS**:

- 9 1. The joint request to re-open the matter is **GRANTED**; and
- 10 2. The Clerk of Court is **DIRECTED** to enter judgment in favor of Plaintiff Angelica  
11 Maria Ramirez and against Defendant, Nancy Berryhill, Acting Commissioner of Social  
12 Security.

13  
14 IT IS SO ORDERED.

15 Dated: February 12, 2018

/s/ Jennifer L. Thurston  
16 UNITED STATES MAGISTRATE JUDGE