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

| | | | |
|----|---|---|--|
| 13 | |) | Case No. 1:16-cv-01753-BAM |
| 14 | JAMES BRADLEY KIRTLEY, |) | |
| 15 | Plaintiff, |) | STIPULATION TO VOLUNTARILY |
| 16 | v. |) | REMAND PURSUANT TO SENTENCE |
| 17 | NANCY A. BERRYHILL, |) | FOUR OF 42 U.S.C. § 405(g); AND |
| 18 | Acting Commissioner of Social Security, |) | ORDER |
| 19 | Defendant. |) | |

20
 21 IT IS HEREBY STIPULATED, by and between James Bradley Kirtley and Nancy A.
 22 Berryhill, Acting Commissioner of Social Security (the Commissioner or Defendant), through
 23 their respective counsel of record, that this action be remanded for further administrative action
 24 pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C. section 405(g),
 25 sentence four.

26 On remand, the Appeals Council will remand the case to an administrative law judge
 27 (ALJ) for a decision. The Appeals Council will instruct the ALJ to obtain supplemental
 28 vocational expert testimony, based on findings through step four of ALJ's decision, to assist in

1 determining what jobs exist, if any, for the claimant given his age, vocational factors, and
2 residual functional capacity.

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

6 Respectfully submitted,

7 Dated: June 26, 2017

/s/ John D. Metsker
JOHN DAVID METSKER
The Metsker Law Firm
Attorney for Plaintiff

11 Dated: June 26, 2017

PHILLIP A. TALBERT
United States Attorney

/s Cynthia B. De Nardi
CYNTHIA B. DE NARDI
Special Assistant United States Attorney
Attorneys for Defendant

18 ORDER

19 Based upon the parties' Stipulation to Voluntarily Remand Pursuant to Sentence Four of
20 42 U.S.C. § 405(g) ("Stipulation to Remand"), and for cause shown, IT IS HEREBY
21 ORDERED, ADJUDGED AND DECREED that the above-captioned action is remanded to the
22 Commissioner of Social Security for further proceedings consistent with the terms of the
23 Stipulation to Remand.

24
25 IT IS SO ORDERED.

26 Dated: June 30, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE