UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHNNY CRUZ RODRIGUEZ, Plaintiff, v. NANCY A. BERRYHILL[1], Acting Commissioner of Social Security, Defendant.	Case No.: 1:16-cv-01820 - JLT ORDER REMANDING THE MATTER PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g) ORDER DIRECTING ENTRY OF JUDGMENT IN FAVOR OF PLAINTIFF JOHNNY CRUZ RODRIGUEZ AND AGAINST DEFENDANT NANCY A. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY

Johnny Cruz Rodriguez initiated this action seeking review of the administrative decision denying an application for Social Security benefits. On October 4, 2017, Plaintiff and Nancy A. Berryhill, Acting Commissioner Social Security, stipulated to a voluntary remand of Plaintiff's Social Security appeal for further administrative proceedings. (Doc. 16)

The parties seek remand for an administrative law judge "for new decision and hearing." (Doc. 16 at 1) In particular, the ALJ shall "reevaluate whether Plaintiff has the residual functional capacity to perform jobs that exist in significant numbers in the national economy given Plaintiff's age, education, vocational factors, and residual functional capacity." (*Id.*) Further, the ALJ should "obtain supplemental evidence from a vocational expert and clarify any conflicts between the testimony of the vocational expert and the *Dictionary of Occupational Titles*." (*Id.* at 1-2)

[1] Nancy A. Berryhill is now the 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.

The parties stipulated for the matter to be remanded under sentence four of 42 U.S.C. § 405(g), and request final judgment be entered in favor of Plaintiff. (*Id.* at 1-2)

Based upon the stipulation of the parties, the Court **ORDERS**:

1. The matter is **REMANDED** under four of 42 U.S.C. § 405(g); and
2. The Clerk of Court is DIRECTED to enter judgment in favor of Plaintiff Johnny Cruz Rodriguez and against Defendant, Nancy A. Berryhill, Acting Commissioner of Social Security.

IT IS SO ORDERED.

Dated: **October 4, 2017**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE