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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HERLINDA RUELAS,  
Plaintiff,  
v.  
KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

Case No. 1:21-cv-00353-HBK  
ORDER GRANTING PARTIES’  
STIPULATED MOTION TO REMAND  
UNDER SENTENCE FOUR OF 42 U.S.C. §  
405(g), REVERSING FINAL DECISION AND  
REMANDING CASE<sup>1</sup>  
(Doc. No. 26)  
ORDER MOOTING PLAINTIFF’S MOTION  
FOR SUMMARY JUDGMENT  
(Doc. No. 21)

Pending before the Court is the parties’ stipulated motion to remand filed on January 18, 2023. (Doc. No. 26). Plaintiff Herlinda Ruelas and the Commissioner of Social Security agree that this case should be remanded for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). (*Id.*).

The United States Supreme Court held that the Social Security Act permits remand in conjunction with a judgment either affirming, reversing, or modifying the Secretary’s decision.

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<sup>1</sup> Both parties have consented to the jurisdiction of a magistrate judge in accordance with 28 U.S.C. §636(c)(1). (Doc. No. 11).

1 See *Melkonyan v. Sullivan*, 501 U.S. 89, 97-98 (1991) (addressing issue of attorney’s fees under  
2 the Equal Access to Justice Act and calculating deadline using date of final judgment). The  
3 *Melkonyan* court recognized 42 U.S.C. § 405(g) contemplates only two types of remand –  
4 sentence four or sentence six. *Id.* at 98. A sentence four remand authorizes a court to enter “a  
5 judgment affirming, modifying, or reversing the decision of the Secretary, with or without  
6 resetting the cause for a rehearing.” *Id.* (other citations omitted).

7 The Court grants the parties’ motion to remand under sentence four and reverses the  
8 Commissioner’s final decision. On remand, the Commissioner shall further develop the record as  
9 necessary, and issue a new decision.

10 Accordingly, it is **ORDERED**:

11 1. Pursuant to sentence four of 42 U.S.C. § 405(g), the Court grants the stipulated motion  
12 to remand (Doc. No. 26) and REVERSES the Commissioner’s decision. This case is  
13 REMANDED to the Commissioner of Social Security consistent with this Order.

14 2. An application for attorney fees may be filed by separate motion.

15 3. Plaintiff’s Motion for Summary Judgment (Doc. No. 21) is MOOT.

16 4. The Clerk shall enter judgment in favor of Plaintiff, terminate any deadlines, and close  
17 this case.

18  
19 Dated: January 19, 2023

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE