

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PHILLIP A. TALBERT  
United States Attorney  
PETER K. THOMPSON (HI 5890)  
Acting Regional Chief Counsel  
MARGARET LEHRKIND, CSBN 314717  
Special Assistant United States Attorney  
160 Spear Street, Suite 800  
San Francisco, CA 94105  
Telephone: (510) 970-4829  
Facsimile: (415) 744-0134  
Attorneys for Defendant

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

JUAN JOSE LUA LUA, ) Case No.: 1:21-cv-01131-SKO  
Plaintiff, ) STIPULATION TO REMAND AND  
vs. ) ORDER  
COMMISSIONER OF SOCIAL SECURITY, ) (Doc. 18)  
Defendant. )

IT IS STIPULATED by and between Juan Jose Lua Lua (Plaintiff) and Kilolo Kijakazi, Acting Commissioner of Social Security (Defendant), through their undersigned counsel of record, that the above-entitled action shall be remanded to the Commissioner of Social Security for further administrative proceedings.

Upon remand, the Office of Hearing Operations will remand the case to an Administrative Law Judge (ALJ) for a new decision and instruct the ALJ to re-evaluate Plaintiff's subjective complaints, evaluate the medical opinion evidence in accordance with 20 C.F.R. § 404.1520c, re-evaluate Plaintiff's residual functional capacity, take further action to complete the administrative record, and issue a new decision. The parties further request that

Stip. to Remand; 1:21-cv-01131-SKO

1 the Court direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against  
2 Defendant, reversing the final decision of the Commissioner.

3 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the  
4 Social Security Act, 42 U.S.C. 405(g).

5 Respectfully submitted this 27th day of July, 2022.

6  
7 Dated: July 28, 2022

/s/ Jonathan Pena  
JONATHAN PENA  
Attorney for Plaintiff  
(as approved via email)

8  
9  
10 Dated: July 28, 2022

PHILLIP A. TALBERT  
United States Attorney

11  
12  
13 By: /s/ Margaret Lehrkind  
MARGARET LEHRKIND  
Special Assistant United States Attorney  
14  
15 Attorneys for Defendant

16  
17 **ORDER**

18 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of  
19 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand") (Doc. 18), and for cause  
20 shown, **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of  
21 Social Security for further proceedings consistent with the terms of the Stipulation to Remand.

22 The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against Defendant,  
23 vacating and reversing the final decision of the Commissioner. The Clerk shall also  
24 administratively close this file.

25  
26 IT IS SO ORDERED.

27 Dated: July 28, 2022

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE