

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

JAMES YANG,
Plaintiff,
v.
KILOLO KIJAKAZI¹,
Acting Commissioner of Social Security,
Defendant.
)

) CIVIL NO. 1:21-cv-01241-GSA (SS)
)

) **STIPULATION TO VOLUNTARY
REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g) AND TO
ENTRY OF JUDGMENT; ORDER**
)

)
)

)
)

)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, and with the approval of the Court, that this action be remanded for further administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the Appeals Council will remand the case to an administrative law judge (ALJ) for a new decision. The parties further request that the Court direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Acting Commissioner.

Respectfully submitted this 6th day of May 2022.

Dated: May 6, 2022

/s/ *Jonathan Omar Pena**

JONATHAN OMA PENA

Attorney for Plaintiff

*Authorized via e-mail on May 6, 2022

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1
2 PHILLIP A. TALBERT
3 United States Attorney
4 PETER THOMPSON
Acting Chief Counsel, Region IX
Social Security Administration

5 By: /s/ Patrick William Snyder
6 PATRICK WILLIAM SNYDER
7 Special Assistant United States Attorney

8 Attorneys for Defendant

9

10 **ORDER**

11 Based upon the parties' stipulation to Voluntary Remand Pursuant to Sentence Four of 42
12 U.S.C. § 405(g) and to Entry of Judgment, and for cause shown, IT IS ORDERED that the
13 above-captioned action is remanded to the Acting Commissioner of Social Security for further
14 proceedings pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g),
15 sentence four. On remand, the Appeals Council will remand the case to an administrative law
16 judge for a new decision in accordance with the parties' Stipulation. The Clerk of the Court is
17 directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final
18 decision of the Acting Commissioner.
19

20
21 IT IS SO ORDERED.

22
23 Dated: May 9, 2022

24 /s/ Gary S. Austin
25 UNITED STATES MAGISTRATE JUDGE
26
27
28