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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

HEATHER KINARD, ) CIVIL NO. 1:21-cv-01250-SKO (SS)  
Plaintiff, )  
v. ) **STIPULATION TO VOLUNTARY  
REMAND PURSUANT TO SENTENCE  
FOUR OF 42 U.S.C. § 405(g) AND TO  
ENTRY OF JUDGMENT; ORDER**  
KILOLO KIJAKAZI<sup>1</sup>, )  
Acting Commissioner of Social Security, ) **(Doc. 10)**  
Defendant. )  
)  
)

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

<sup>1</sup> 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 administrative law judge (ALJ) for a new decision. The parties further request that the Court  
2 direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against  
3 Defendant, reversing the final decision of the Acting Commissioner.

4 Respectfully submitted this 5th day of May 2022.  
5

6 Dated: May 5, 2022

/s/ Jonathan Omar Pena\*

7 JONATHAN OMA PENA

8 Attorney for Plaintiff

\*Authorized via e-mail on May 5, 2022

9 PHILLIP A. TALBERT

10 United States Attorney

11 PETER THOMPSON

12 Acting Chief Counsel, Region IX

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13 By: /s/ Patrick William Snyder

14 PATRICK WILLIAM SNYDER

15 Special Assistant United States Attorney

16 Attorneys for Defendant

## ORDER

Based upon the parties' foregoing stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment (the "Stipulation") (Doc. 10), and for cause shown,

IT IS ORDERED that the above-captioned action is remanded to the Acting Commissioner of Social Security for further proceedings 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 for a new decision in accordance with the parties' Stipulation.

The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against Defendant, vacating and reversing the final decision of the Commissioner.

IT IS SO ORDERED.

Dated: **May 6, 2022**

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE