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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION
12

13 VIRGINIA ROSA GARCIA,) CIVIL NO. 1:21-cv-01252-SKO (SS)
14 Plaintiff,)
15 v.) **STIPULATION TO VOLUNTARY**
16 KILOLO KIJAKAZI¹,) **REMAND PURSUANT TO SENTENCE**
Acting Commissioner of Social Security,) **FOUR OF 42 U.S.C. § 405(g) AND TO**
17 Defendant.) **ENTRY OF JUDGMENT; ORDER**
18) **(Doc. 11)**
19)

20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
21 attorneys, and with the approval of the Court, that this action be remanded for further
22 administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C.
23 § 405(g), sentence four. On remand, the Appeals Council will remand the case to an
24 administrative law judge (ALJ) for a new decision. The Appeals Council will instruct the ALJ to
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27 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant
28 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 offer Plaintiff the opportunity of a hearing; reevaluate, with the assistance of a medical expert, if
2 available, the severity of Plaintiff's fibromyalgia, consistent with SSR 12-2p; to reassess
3 Plaintiff's residual functional capacity, consistent with 20 CFR 404.1545, SSR 85-15 and SSR
4 96-8p; and proceed with the sequential evaluation.

5 The parties further request that the Court direct the Clerk of the Court to enter a final
6 judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Acting
7 Commissioner.
8 Commissioner.

9 Respectfully submitted this 5th day of May 2022.

10 Dated: May 5, 2022

11 /s/ Francesco Paulo Benavides*

12 FRANCESCO PAULO BENAVIDES

13 Attorney for Plaintiff

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

15 PHILLIP A. TALBERT

16 United States Attorney

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18 Acting Chief Counsel, Region IX

19 Social Security Administration

20 By: /s/ Patrick William Snyder

21 PATRICK WILLIAM SNYDER

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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. 11), 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