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16 **UNITED STATES DISTRICT COURT**  
17 **EASTERN DISTRICT OF CALIFORNIA**

18 13 MICHAEL S. MCNEILLY, ) CIVIL NO. 1:23-cv-00071-SKO  
19 14 Plaintiff, )  
20 15 v. )  
21 16 KILOLO KIJAKAZI, )  
22 Commissioner of Social Security, )  
23 Defendant. )  
24 )  
25 )  
26 )  
27 )  
28 )

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

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

23 Upon remand, the Appeals Council will remand the case to an Administrative Law  
24 Judge (ALJ) for a new decision and instruct the ALJ to offer Plaintiff a new hearing, update the  
25 record and re-evaluate the evidence of record. The parties further request that the Court direct  
26 the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against Defendant,  
27 reversing the final decision of the Commissioner.

28  
STIPULATION TO REMAND

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

4 Dated: November 14, 2023

*/s/ Jacqueline A. Forslund\**

JACQUELINE A. FORSLUND

Attorney for Plaintiff

\*Authorized via e-mail on November 14, 2023

7 PHILLIP A. TALBERT

8 United States Attorney

9 MATHEW W. PILE

Associate General Counsel

Social Security Administration

10 By:

*/s/ Erin A. Jurrens*

11 ERIN A. JURRENS

12 Special Assistant U.S. Attorney

13 Attorneys for Defendant

14 **ORDER**

15           Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of  
16 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand") (Doc. 21), and for  
17 cause shown, **IT IS ORDERED** that the above-captioned action is remanded to the  
18 Commissioner of Social Security for further proceedings pursuant to the fourth sentence of  
19 Section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

20           The Clerk of the Court shall enter a final judgment in favor of Plaintiff, and against  
21 Defendant, vacating and reversing the final decision of the Commissioner and thereafter close  
22 this case.  
23

24  
25 IT IS SO ORDERED.

26 Dated: November 14, 2023

*/s/ Sheila K. Oberto*

27 UNITED STATES MAGISTRATE JUDGE