

1 PHILLIP A. TALBERT  
United States Attorney  
2 MATHEW W. PILE, WSBN 32245  
Associate General Counsel  
3 Office of Program Litigation, Office 7  
Social Security Administration  
4 ERIN A. JURRENS, MO 61402  
Special Assistant United States Attorney  
5 Office of the General Counsel  
6 Social Security Administration  
7 6401 Security Boulevard  
Baltimore, MD 21235  
8 Telephone: (877) 833-2445  
E-Mail: Erin.Jurrens@ssa.gov  
9 Attorneys for Defendant

10  
11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF CALIFORNIA**

13 MICHAEL S. MCNEILLY,  
14 Plaintiff,  
15 v.  
16 KILOLO KIJAKAZI,  
Commissioner of Social Security,  
17 Defendant.

CIVIL NO. 1:23-cv-00071-SKO

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

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

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Social Security Administration

By: /s/ Erin A. Jurrens

ERIN A. JURRENS

Special Assistant U.S. Attorney

Attorneys for Defendant

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

24  
25 IT IS SO ORDERED.

26 Dated: November 14, 2023

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE