

1 PHILLIP A. TALBERT
United States Attorney
2 MATHEW W. PILE, WSBA No. 32245
Associate General Counsel
3 Office of Program Litigation, Office 7
Social Security Administration
4 MARCELO ILLARMO (MABN 670079)
Special Assistant United States Attorney
5 Office of the General Counsel
6 Social Security Administration
7 6401 Security Boulevard
8 Baltimore, Maryland 21235
Telephone: (510) 970-4822
E-Mail: Marcelo.Illarmo@ssa.gov
9 Attorneys for Defendant

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

12
13 PATRICE AVERY,) Case No.: 1:24-cv-00148-BAM
14)
15) STIPULATION FOR VOLUNTARY
Plaintiff,) REMAND PURSUANT TO SENTENCE
16) FOUR OF 42 U.S.C. § 405(g) AND ORDER
v.)
17 MARTIN O’MALLEY,)
Commissioner of Social Security)
18 Defendant.)
19)
20)

21 IT IS HEREBY STIPULATED, by and between the parties, through their undersigned
22 attorneys, and with the approval of the Court, that the Commissioner of Social Security has
23 agreed to a voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g). The
24 purpose of the remand is to offer Plaintiff a new decision. The parties agree that no specific
25 aspect of the Commissioner’s final decision is affirmed.

26 On remand, the Commissioner will offer Plaintiff the opportunity for a hearing; develop
27 the record as necessary; and issue a new decision. The parties further request that the Clerk of
28

1 the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant,
2 reversing the final decision of the Commissioner.

3
4
5 Respectfully submitted,

6
7 DATE: June 3, 2024

/s/ Megan E. Ruble*
MEGAN E. RUBLE
Attorney for Plaintiff
(* approved via email on 5/30/24)

8
9
10 PHILLIP A. TALBERT
United States Attorney

11
12 DATE: June 3, 2024

By s/ Marcelo Illarmo
MARCELO ILLARMO
Special Assistant United States Attorney

13
14 Attorneys for Defendant

15 **ORDER**

16 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of
17 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown, IT
18 IS HEREBY ORDERED that the above-captioned action is remanded to the Commissioner of
19 Social Security for further proceedings consistent with the terms of the Stipulation to Remand.
20 The Clerk of the Court is directed to enter final judgment in favor of Plaintiff, and against
21 Defendant, reversing the final decision of the Commissioner.

22
23 IT IS SO ORDERED.

24 Dated: June 3, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE