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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 SACRAMENTO DIVISION

12 PATRICK DUPREE,

13 Plaintiff,

14 v.

15 MICHAEL J. ASTRUE,
 Commissioner of
 16 Social Security,

17 Defendant.

CIVIL NO. 2:09-CV-01487 KJN

STIPULATION AND ~~PROPOSED~~ ORDER
 OF VOLUNTARY REMAND AND
 DISMISSAL OF CASE, WITH DIRECTIONS
 TO CLERK TO ENTER JUDGMENT

18 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the
 19 approval of the Court as provided below, that the Commissioner has agreed to a voluntary remand of this
 20 case pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings.

21 Upon remand, the ALJ will give Plaintiff the opportunity for a new hearing and will obtain
 22 vocational expert testimony using hypothetical questions that accurately reflect the ALJ's residual
 23 functional capacity assessment.

24 The ALJ will also be directed to establish a record by properly selecting and numbering exhibits
 25 and preparing a list of exhibits. The ALJ will be directed to admit into the record any evidence that is
 26 determined to be material to the issues in the case per HALLEX provisions I-2-1-15 and I-2-6-58.

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1 It is further stipulated that the administrative decision is hereby vacated and that the Clerk of this
2 Court shall be directed to enter a separate judgment herein, as provided for under Rules 58 and 79(a) of
3 the Federal Rules of Civil Procedure, pursuant to Shalala v. Schaefer, 509 U.S. 292, 113 S. Ct. 2625
4 (1993).

5 Respectfully submitted,

6 Dated: May 12, 2010

/s/Peter Brixie
(As authorized via telephone)
PETER BRIXIE
Attorney for Plaintiff

8
9 Dated: May 12, 2010

BENJAMIN B. WAGNER
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LUCILLE GONZALES MEIS
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13 */s/ Elizabeth Firer*
ELIZABETH FIRER
Special Assistant U.S. Attorney

14 Attorneys for Defendant

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16
17 ORDER

18 APPROVED AND SO ORDERED.

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20 DATED: May 13, 2010

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24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE
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