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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 SACRAMENTO DIVISION

12 STELLA CARTER,)
)
 13 Plaintiff,)
)
 14 v.)
)
 15 MICHAEL J. ASTRUE,)
 Acting Commissioner of)
 Social Security,)
 16)
 Defendant.)
 17)

CIVIL NO. 2:10-cv-01949 GGH (TEMP)

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

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

22 Upon remand, the Administrative Law Judge (ALJ) must ensure that Plaintiff’s two application files
 23 are properly consolidated and include all of the relevant evidence. In assessing Plaintiff’s residual functional
 24 capacity, the ALJ must also directly address the opinions of Plaintiff’s treating physicians including Dr.
 25 Wiggins. The ALJ must explain the weight given to the medical source opinions in accordance with 20
 26 C.F.R. § 404.1527 as well as Social Security Ruling 96-2p. The ALJ will give Plaintiff the opportunity to
 27 participate in another hearing.

28 It is further stipulated that the administrative decision is hereby vacated and that the Clerk of this
 Court shall be directed to enter a separate judgment herein, as provided for under Rules 58 and 79(a) of

1 the Federal Rules of Civil Procedure, pursuant to Shalala v. Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993).

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3 Respectfully submitted,

4 */s/Bess M. Brewer*
5 BESS M. BREWER
6 (as authorized via email)
7 Attorney at Law

8 Attorney for Plaintiff

9 Dated: August 25, 2011

10 BENJAMIN B. WAGNER
11 United States Attorney
12 DONNA L. CALVERT
13 Acting Regional Chief Counsel, Region IX
14 Social Security Administration

15 By:

16 */s/ Elizabeth Firer*
17 ELIZABETH FIRER
18 Special Assistant U.S. Attorney

19 Attorneys for Defendant

20 **ORDER**

21 APPROVED AND SO ORDERED.

22 DATED: September 14, 2011

23 */s/ Gregory G. Hollows*
24 _____
25 UNITED STATES MAGISTRATE JUDGE
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