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JOSEPH C. FRAULOB – CA State Bar #194355
Attorney For Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TERESA GILBERT,
Plaintiff,

vs.

CAROLYN COLVIN,
Commissioner of Social Security,
Defendant

No. 2:11-cv-00039-DAD

STIPULATION AND ORDER TO REOPEN
CASE FOR ENTRY OF JUDGMENT

Pursuant to the Court’s March 12, 2012 order of remand, the above-captioned case was remanded to defendant Commissioner of Social Security for further administrative proceedings, pursuant to sentence six of 42 U.S.C. § 405(g). Administrative proceedings have now been completed, with a decision partially favorable to the plaintiff issued on May 20, 2013.

The parties therefore hereby stipulate that the case may be reopened for the purpose of thereafter having judgment entered for the plaintiff. Reopening rather than the filing of a new case is appropriate.

“[A] sentence six remand, because of clear language in the social security statute, implies and necessarily involves a reservation of jurisdiction for the future and contemplates further proceedings in the district court and a final judgment at the conclusion thereof. A sentence six remand judgment ... is therefore always interlocutory and never a ‘final’ judgment.”

1 Carrol v. Sullivan, 802 F. Supp. 295, 300 (C.D. Cal. 1992) (Baird, D.J.) (paraphrasing and
2 quoting from Melkonyan v. Sullivan, 501 U.S. 89, 101-03 (1991)).

3 Thus, in a sentence six remand case, the Court retains jurisdiction following the remand
4 of a Social Security cases remanded under 42 U.S.C. § 405(g), sentence six, and where the final
5 administrative decision is favorable to one party or the other, the Commissioner is to return to
6 Court following completion of the administrative proceedings on remand so that the Court may
7 enter a final judgment, in this case for Plaintiff. See Melkonyan, 501 U.S. at 102; see also
8 Shalala v. Schaefer, 509 U.S. 292, 298-300 (1993) (discussing and construing Melkonyan and
9 distinctions between sentence four and sentence six remands).

10 It is therefore appropriate to reopen this case in order to resolve the Court's sentence six
11 jurisdiction and the parties stipulate that the Court should do so. Plaintiff is lodging a proposed
12 order and judgment concurrent with the filing of this stipulation.

13 DATE: March 18, 2015 *By /s/ Joseph Clayton Fraulob*
14 JOSEPH CLAYTON FRAULOB
15 Attorney for plaintiff

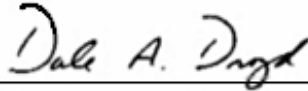
16
17 DATE: March 18, 2015 BENJAMIN B. WAGNER
18 United States Attorney
19 *By /s/ Theophous H. Reagans*
20 (As authorized via email)
21 THEOPHOUS H. REAGANS
22 Special Assistant United States Attorney
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1 ORDER

2 Pursuant to the parties' stipulation, IT IS ORDERED that:

- 3 1. This action is re-opened;
4 2. Judgement is entered for the plaintiff; and
5 3. This action is closed.

6 Dated: June 16, 2015

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8 _____
9 DALE A. DROZD
10 UNITED STATES MAGISTRATE JUDGE

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