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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEIDRA A. LINTZ,

Plaintiff,

No. 2:11-cv-2837 EFB

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

ORDER AND  
FINDINGS AND RECOMMENDATIONS

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Plaintiff seeks judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) finding that she is responsible for an overpayment of Supplemental Security Income benefits. Defendant has moved to remand the case to the Commissioner for further administrative proceedings pursuant to sentence six of 42 U.S.C. section 405(g). Defendant explains that this court cannot conduct a meaningful review of the Commissioner’s final decision because the record of the October 26, 2009 administrative hearing “is not available.” Def.’s Mot. to Remand, Dckt. No. 10. Defendant requests that on remand the Commissioner conduct a *de novo* hearing. Petitioner filed a statement of no opposition, in which she requests that this court grant defendant’s motion. Dckt. No. 12. As the court is unable to conduct a meaningful review without a complete record, defendant’s motion should be granted.

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1           Accordingly, it is hereby ORDERED that the Clerk randomly assign a United States  
2 District Judge to the case.

3           Further, it is RECOMMENDED that defendant's motion be granted and the matter  
4 remanded for further proceedings, including a *de novo* hearing.

5           These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, any party may file written  
8 objections with the court and serve a copy on all parties. Such a document should be captioned  
9 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
10 within the specified time may waive the right to appeal the District Court's order. *Turner v.*  
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 DATED: June 6, 2012.

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14 EDMUND F. BRENNAN  
15 UNITED STATES MAGISTRATE JUDGE  
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