



1 file with the court any such additional or modified findings of fact and decision, and a transcript  
2 of the additional record and testimony upon which his action in modifying or affirming was  
3 based.”) (quotations omitted). The purported stipulation, however, is not signed by defendant.  
4 Moreover, appended to the stipulation is plaintiff’s request that the court now enter judgment in  
5 her favor. Id. at 4-9.

6 The Commissioner filed a partial opposition to the stipulation in which she explains that  
7 she stipulates to the reopening of this case so that a certified administrative record may be filed to  
8 allow this court to review the unfavorable decision. ECF No. 19 at 1-2. The Commissioner does  
9 not, however, stipulate to the appended pages seeking entry of judgment in plaintiff’s favor. Id.  
10 at 2. Rather, the Commissioner requests that to the extent the court construes the appended pages  
11 as a motion for summary judgment, the motion be denied as no administrative record has been  
12 filed in this case.

13 As it appears the parties agree, the court reopens this case. However, a complete record is  
14 necessary before the court may review the final decision of the Commissioner and determine  
15 whether entry of judgment in plaintiff’s favor is appropriate. Accordingly, the court denies  
16 plaintiff’s request for entry of judgment, construed as a motion for summary judgment, without  
17 prejudice and directs the Commissioner to file a certified administrative record.

18 Accordingly, it is hereby ORDERED that:


- 19 1. The clerk is directed to reopen this case.
- 20 2. Plaintiff’s request for entry of judgment is denied without prejudice.
- 21 3. Within 60 days of the date of this order, the Commissioner shall file a certified  
22 administrative record.
- 23 4. Within forty-five days after being served with the administrative record, plaintiff shall  
24 file a motion for summary judgment and/or remand.
- 25 5. Within thirty days after plaintiff’s motion for summary judgment and/or remand is  
26 served, the Commissioner shall file an opposition or a statement of non-opposition to plaintiff’s  
27 motion, as well as any cross-motions.

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6. Within twenty-one days thereafter, plaintiff shall file an opposition or a statement of non-opposition to any cross-motions filed by the Commissioner, as well as any reply in support of plaintiff's motion for summary judgment and/or remand.

Dated: July 1, 2016

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE