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9 UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 10 SACRAMENTO DIVISION

11 JAYE R. ANDERSEN,) CASE NO. 2:15-CV-00873-AC
 12)
 Plaintiff,) STIPULATION AND ~~PROPOSED~~ ORDER
 13 vs.) TO REOPEN AND DISMISS
 14)
 NANCY A. BERRYHILL,)
 15 Acting Commissioner of Social Security,)
 16 Defendant.)
 17

18 The parties hereby stipulate, through their undersigned attorneys, and with the approval
 19 of the Court, that this case shall be reopened for the purpose of entering judgment for Plaintiff.

20 On August 11, 2015, pursuant to the stipulation of the parties, this Court remanded the
 21 instant case to the Commissioner for a new hearing. The recording of the hearing held on
 22 August 6, 2013 was incomplete, which made meaningful review of the case impossible. On
 23 November 4, 2016, an administrative law judge (ALJ) issued an unfavorable decision in
 24 Plaintiff's case, finding Plaintiff not disabled. Plaintiff, however, has agreed to dismiss this
 25 action.

26 Now that the administrative proceedings have concluded, reopening is necessary. In a
 27 sentence-six remand case, the Court retains jurisdiction following the remand. *See Melkonyan v.*
 28

1 *Sullivan*, 501 U.S. 89, 98 (1991) (district court retains jurisdiction over Social Security cases
2 remanded under 42 U.S.C. § 405(g), sentence six, and where the final administrative decision is
3 favorable to one party or the other, the Commissioner is to return to the court following
4 completion of the administrative proceedings on remand so that the court may enter a final
5 judgment or, as in this case, a dismissal); *see also Shalala v. Schaefer*, 509 U.S. 292, 298-300
6 (1993).

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

10 *Carrol v. Sullivan*, 802 F.Supp. 295, 300 (C.D.Cal. 1992) (*paraphrasing and quoting*
11 *Melkonyan*).

12 It is therefore appropriate to reopen this case in order to resolve the Court’s sentence-six
13 jurisdiction. Upon reopening, the parties stipulate that the case shall be dismissed.

14 Respectfully submitted,

15 Dated: November 20, 2018

16 /s/ Richard Whitaker
17 (As authorized via email on 11/20/2018)
18 RICHARD WHITAKER
Attorney for Plaintiff

19 Dated: November 20, 2018

20 MCGREGOR W. SCOTT
21 United States Attorney
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22 By: /s/ In Seon Jeong
23 IN SEON JEONG
24 Special Assistant U.S. Attorney
Attorneys for Defendant
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ORDER

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Pursuant to stipulation, it is so ordered.

Dated: November 26, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE