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10 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
11 **SACRAMENTO DIVISION**

12 JOSE MANUEL DE JESUS NUNEZ- ) Case No.: 2:16-CV-00837-CKD  
13 GALINDO, )  
14 Plaintiff, ) STIPULATION AND ORDER TO  
15 vs. ) VOLUNTARY REMAND PURSUANT TO  
16 ) SENTENCE FOUR OF 42 U.S.C. § 405(g)  
17 ) AND TO ENTRY OF JUDGMENT FOR  
18 ) PLAINTIFF  
NANCY A. BERRYHILL<sup>1</sup>, )  
17 Acting Commissioner of Social Security, )  
18 )  
19 Defendant. )

20 IT IS HEREBY STIPULATED, by and between Plaintiff and Nancy A. Berryhill, Acting  
21 Commissioner of Social Security (the Commissioner or Defendant), through their respective  
22 counsel of record, that this action be remanded for further administrative action pursuant to  
23 section 205(g) of the Social Security Act, as amended, 42 U.S.C. section 405(g), sentence four.  
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26 <sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule  
27 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for  
28 Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs  
to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social  
Security Act, 42 U.S.C. § 405(g).

1 On remand, the Appeals Council will remand the case to an administrative law judge  
2 (ALJ) for a new decision. The Appeals Council will instruct the ALJ to reevaluate the medical  
3 evidence, including, but not limited to, all medical-source opinion evidence, and explain the  
4 weight given to the opinion evidence consistent with 20 C.F.R. § 404.1527, and Social Security  
5 Rulings 96-5p and 96-6p. The Appeals Council will also instruct the ALJ to obtain vocational  
6 expert testimony, as necessary, to assist in determining what jobs exist, if any, for Plaintiff given  
7 his age, education, vocational factors, including literacy, and residual functional capacity.

8 The parties further request that the Clerk of the Court be directed to enter a final  
9 judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the  
10 Commissioner.

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12 Respectfully submitted,

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14 Dated: February 9, 2017

/s/ Lawrence D. Rohlfing  
(as authorized by email on Feb. 7, 2017)  
LAWRENCE D. ROHLFING  
Attorney for Plaintiff

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17  
18 Dated: February 9, 2017

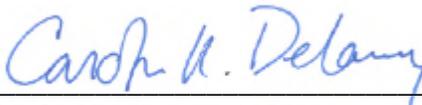
PHILLIP A. TALBERT  
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DEBORAH LEE STACHEL  
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21 By: /s/ Jennifer A. Kenney  
JENNIFER A. KENNEY  
Special Assistant U.S. Attorney  
Attorneys for Defendant

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24 **ORDER**

25 APPROVED AND SO ORDERED:

26  
27 Dated: February 13, 2017

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE