

1 PHILLIP A. TALBERT  
 United States Attorney  
 2 MATHEW W. PILE, WSBA No. 32245  
 Associate General Counsel  
 3 Office of Program Litigation, Office 7  
 4 NOAH SCHABACKER, Maryland Bar  
 Special Assistant United States Attorney  
 5 Office of the General Counsel  
 Social Security Administration  
 6 6401 Security Boulevard  
 7 Baltimore, MD 21235  
 Telephone: (303) 844-6232  
 8 Email: Noah.Schabacker@ssa.gov

9 Attorneys for Defendant

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

15 ALVA LESLIE PEARSON,	)	CIVIL NO. 2:23-cv-01330-CKD
16 Plaintiff,	)	<b>STIPULATION TO VOLUNTARY      REMAND PURSUANT TO SENTENCE      FOUR OF 42 U.S.C. § 405(g) AND TO      ENTRY OF JUDGMENT; ORDER</b>
17 v.	)	
18 MARTIN O'MALLEY,	)	
19 Commissioner of Social Security, <sup>1</sup>	)	
20 Defendant.	)	

21  
 22 IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Martin  
 23 O’Malley, Commissioner of Social Security (“Defendant”), through their undersigned counsel  
 24 of record, that the above-entitled action shall be remanded to the Commissioner of Social  
 25 Security for further administrative proceedings.

26 \_\_\_\_\_  
 27 <sup>1</sup> Martin O’Malley became the Commissioner of Social Security on December 20, 2023.  
 28 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O’Malley should be  
 substituted for Kilolo Kijakazi as the defendant in this suit. No further action need 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 Commissioner will develop the record as necessary; reconsider all  
2 relevant issues; offer the claimant the opportunity for a new hearing; and issue a new decision.  
3 The parties further request that the Court direct the Clerk of the Court to enter a final judgment  
4 in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

5 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the  
6 Social Security Act, 42 U.S.C. 405(g).

8 Dated: February 2, 2024

/s/ Geri N. Kahn\*

GERI N. KAHN

Attorney for Plaintiff

\*Authorized via e-mail on February 2, 2024

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Office of Program Litigation, Office 7

Social Security Administration

By: /s/ Noah Schabacker

NOAH SCHABACKER

Special Assistant United States Attorney

Attorneys for Defendant

### ORDER

20 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of  
21 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown,  
22 **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social  
23 Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the Social  
24 Security Act, 42 U.S.C. 405(g).

26 Dated: February 7, 2024



CAROLYN K. DELANEY

UNITED STATES MAGISTRATE JUDGE