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

13 LAURA NOVOTNY,  
 14 Plaintiff,  
 15 v.

16 MARTIN O’MALLEY,  
 17 Commissioner of Social Security,<sup>1</sup>  
 18 Defendant.

Civil No. 2:23-cv-01880-CKD

19 **STIPULATION AND ORDER FOR**  
**VOLUNTARY REMAND**

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 27 <sup>1</sup> Martin O’Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule  
 28 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 IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys,  
2 and with the approval of the Court, that this action be remanded for further administrative action  
3 pursuant to sentence four of 42 U.S.C. § 405(g). The purpose of the remand is to offer Plaintiff a new  
4 decision.

5 On remand, the Commissioner will offer Plaintiff an opportunity for a new hearing, further  
6 develop the record as necessary, and issue a new decision. The parties further request that the Clerk of  
7 the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the  
8 final decision of the Commissioner.

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10 Date: February 7, 2024

LAW OFFICES OF FRANCESCO BENAVIDES

11 By: /s/ Caspar Chan for Francesco Benavides \*  
12 FRANCESCO BENAVIDES  
13 \*Authorized by email on February 7, 2024  
14 Attorneys for Plaintiff

15 Date: February 7, 2024

PHILIP A. TALBERT  
United States Attorney  
Eastern District of California

17 By: /s/ Caspar Chan  
18 CASPAR CHAN  
19 Special Assistant United States Attorney  
Attorneys for Defendant

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21 ORDER

22 APPROVED AND SO ORDERED.

23  
24 Dated: February 7, 2024

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27 CAROLYN K. DELANEY  
28 UNITED STATES MAGISTRATE JUDGE