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**\*E-FILED - 2/10/10\***

13 Attorneys for Defendant

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 EUGENE BOYD,	)	CIVIL NO. 06-07166-RMW
17 Plaintiff,	)	
18 v.	)	
19 MICHAEL J. ASTRUE,	)	STIPULATION TO REOPEN;
20 Commissioner of Social Security,	)	<input type="checkbox"/> ORDER TO REOPEN
21 Defendant.	)	
22	)	

23 IT IS HEREBY STIPULATED, by and between the parties, to reopen the above-  
 24 captioned matter. A previous Order for Remand, pursuant to sentence six of Section 205(g) of the  
 25 Social Security Act, 42 U.S.C. § 405(g), was entered on November 16, 2009, for the purpose of  
 26 locating the recording of a hearing dated January 31, 2006, and for preparing the administrative  
 27 record for filing with the Defendant’s answer. That task has been completed, and Defendant is  
 28 prepared to file his answer and lodge the administrative record.

Under sentence six of 42 U.S.C. § 405(g), “[t]he court may, on motion of the  
 Commissioner of Social Security made for good cause before the Commissioner files the  
 Commissioner’s answer, remand the case to the Commissioner of Social Security for further  
 action by the Commissioner of Social Security.” 42 U.S.C. § 405(g). The remanding court  
 retains jurisdiction when it remands under sentence six. See Shalala v. Schaefer, 509 U.S. 292,  
 297 (1993) (“[i]mmediate entry of judgment (as opposed to entry of judgment after postremand

1 agency proceedings have been completed and their results filed with the court) is in fact the  
2 principal feature that distinguishes a sentence-four remand from a sentence-six remand”). In the  
3 instant case, this Court remanded pursuant to sentence six, and retains jurisdiction. See id.  
4 Therefore a reopening is appropriate.

5 The parties stipulate to reopen this matter for resolution before this Court.

6 Respectfully submitted,

7 Dated: February 3, 2010

/s/ Marc V. Kalagian  
(as authorized via email)  
MARC V. KALAGIAN  
Attorney for Plaintiff

10 JOSEPH P. RUSSONIELLO  
11 United States Attorney

12 Dated: February 3, 2010

By s/ Daniel P. Talbert  
DANIEL P. TALBERT  
Special Assistant U. S. Attorney

14 Attorneys for Defendant

17 ORDER

18 Based upon the parties’ Stipulation to Reopen, IT IS ORDERED that the above-captioned  
19 matter be reopened.

20 DATED: 2/9/10

  
RONALD M. WHYTE

22 UNITED STATES DISTRICT JUDGE