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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JENNY S.,¹

Plaintiff,

v.

MARTIN O’MALLEY, Commissioner of
Social Security,²

Defendant.

Case No.: 23-CV-2224-JLS (MSB)

**ORDER GRANTING JOINT
MOTION STIPULATING TO
VOLUNTARY REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)**
(ECF No. 9)

Presently before the Court is the Parties’ Joint Motion Stipulating to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) (“Joint Mot.,” ECF No. 9). The Parties indicate that remand will allow Defendant Commissioner of Social Security to “further develop the record as necessary and issue a new decision.” Joint Mot. at 2. The Parties also “request that the Clerk of the Court be directed to enter a final judgment in

¹ Pursuant to Civil Local Rule 7.1(e)(6)(b), “[o]pinions by the Court in [Social Security cases arising under 42 U.S.C. § 405(g)] will refer to any non-government parties by using only their first name and last initial.”

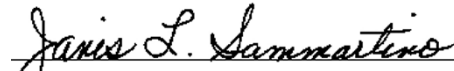
² The Parties indicate that Defendant Kilolo Kijakazi, the former Acting Commissioner of Social Security, was replaced by Martin O’Malley on December 20, 2023. Joint Mot. at 1 n.1. The Parties therefore request that the Court order that Martin O’Malley be substituted for Kilolo Kijakazi as the defendant in this suit pursuant to Federal Rule of Civil Procedure 25(d). *Id.* As Rule 25(d) provides that a public “officer’s successor is automatically substituted as a party,” the Court **GRANTS** the Parties’ request.

1 favor of Plaintiff, and against Defendant, reversing the final decision of the
2 Commissioner.” *Id.*

3 After considering the Parties’ arguments and the applicable law and good cause
4 appearing, the Court **GRANTS** the Parties’ Joint Motion and **REMANDS** this action to
5 the Social Security Administration for further proceedings consistent with the terms set
6 forth in the Parties’ Joint Motion. Judgment is entered in favor of Plaintiff and against
7 Defendant, reversing the final decision of the Commissioner. The Court **DIRECTS** the
8 Clerk of the Court to close the case.

9 **IT IS SO ORDERED.**

10 Dated: February 6, 2024


11 Hon. Janis L. Sammartino
12 United States District Judge
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