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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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OMAR FUENTES,	:
	:
Plaintiff,	:
	:
v.	:
	:
COMMISSIONER OF	:
SOCIAL SECURITY,	:
	:
Defendant.	:
-----	X

**Hon. David N. Hurd, D.J.  
Hon. George H. Lowe, M.J.**

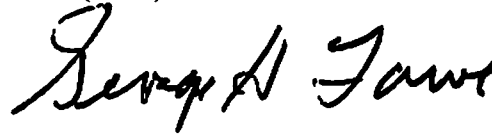
**Civil Action No. 08-1320:  
CONSENT ORDER TO REMAND  
PURSUANT TO SENTENCE 4 OF  
42 U.S.C. § 405(g)**

This matter having been opened to the Court by Andrew T. Baxter, Interim United States Attorney for the Northern District of New York, and Michelle L. Christ, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 9<sup>th</sup> day of July, 2009;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).



George H. Lowe, M.J.  
United States District Court

The undersigned hereby consent to the form and entry of the within order.

ANDREW T. BAXTER  
Interim United States Attorney

By: s/ Michelle L. Christ  
Michelle L. Christ  
Special Assistant U.S. Attorney

By: s/ Peter M. Margolius  
Peter M. Margolius  
Attorney for Plaintiff