

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

FEB 22 2016

Clerk, U.S. District Court
District Of Montana
Missoula

CATHERINE SCHIEL-LEODORO,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Commissioner of Social Security
Administration,

Defendant.

CV 14-276-M-DLC-JCL

ORDER

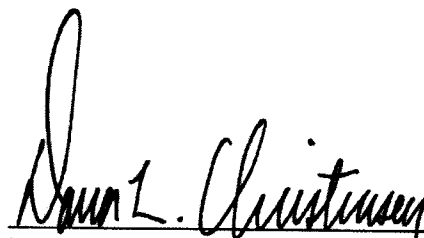
United States Magistrate Judge Jeremiah C. Lynch entered findings and recommendations in this case on January 29, 2016, recommending that: (1) Plaintiff Catherine Schiel-Leodoro's ("Schiel-Leodoro") motion for summary judgment be granted, (2) Commissioner Carolyn Colvin's decision regarding Schiel-Leodoro's application for disability insurance benefits and supplemental security income benefits be reversed, and (3) this matter be remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. Neither party objected to the findings and recommendations, and so both have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

(9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Lynch’s conclusion regarding the administrative law judge’s (“ALJ”) treatment of Dr. Teresa Reed’s 2011 findings, nor in his conclusion that this matter should be remanded to the ALJ for a more critical examination of those findings.

Accordingly, IT IS ORDERED that Judge Lynch’s findings and recommendations (Doc. 26) are ADOPTED IN FULL. Schiel-Leodoro’s motion for summary judgment (Doc. 15) is GRANTED. The Commissioner’s decision is REVERSED and this matter is REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with Judge Lynch’s opinion.

DATED this 22nd day of February, 2016.



Dana L. Christensen, Chief District Judge
United States District Court