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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Mary Elizabeth Albert, Plaintiff, vs. Michael J. Astrue, Commissioner of Social Security, Defendant	No. CV 08-267-TUC-FRZ (CRP) **ORDER**

Pending before the Court is Plaintiff's Motion for Summary Judgment pertaining to the denial of disability benefits. Also pending before the Court is Defendant's Motion for Summary Judgment regarding the same denial of disability benefits.

United States Magistrate Judge Pyle issued a Report and Recommendation on April 4, 2011. In that Report and Recommendation, Magistrate Judge Pyle recommended granting Plaintiff's Motion for Summary Judgment, denying Defendant's Motion for Summary Judgment, and remanding the case for an immediate award of benefits.

The Report and Recommendation indicated that any party could file written objections within 14 days after being served with a copy of the Report and Recommendation. The parties have not filed objections to the Report and Recommendation. As such, the Court will not consider any objections or new evidence.

The Court has reviewed the record and concludes that Magistrate Judge Pyle's recommendations are not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72;

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Johnson v. Zema Systems Corp., 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

Accordingly, IT IS HEREBY ORDERED as follows:

(1) United States Magistrate Judge Pyle's Report and Recommendation (Doc. 25) is **ACCEPTED AND ADOPTED**.

(2) Plaintiff's Motion for Summary Judgment (Doc. 16) is **GRANTED** and this case is remanded for an immediate award of benefits.

(3) Defendant's Motion for Summary Judgment (Doc. 19) is **DENIED**.

(4) This case is **DISMISSED.**

(5) The **Clerk of the Court** is **directed to enter judgment accordingly and close the file in this matter**.

DATED this 1st day of June, 2011.

Frank R. Zapata
Senior United States District Judge