

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Jimmy R. Wolfe,
Plaintiff,
vs.
Michael J. Astrue, Commissioner of Social Security,
Defendant.

No. CV 08-293-TUC-FRZ (GEE)

ORDER

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Glenda E. Edmonds.¹ The Report and Recommendation recommends granting Plaintiff’s motion for summary judgment in part and remanding Plaintiff’s claim to the Administrative Law Judge (“ALJ”) for further proceedings. As the Report and Recommendation correctly found that further proceedings are necessary as the ALJ improperly found that Plaintiff retained the ability to perform the exertional demands of medium work, Plaintiff’s objections are denied. Thus, the Report and Recommendation is adopted.

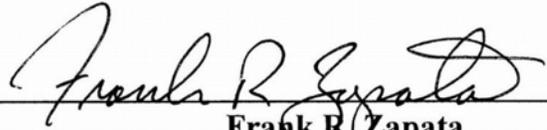
¹The Court reviews de novo the objected-to portions of the Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews for clear error the unobjected-to portions of the Report and Recommendation. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *see also Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED as follows:

- (1) United States Magistrate Judge Edmond’s Report and Recommendation (Doc. #36) is **accepted and adopted.**
- (2) Plaintiff’s motion for summary judgment is granted in part and Plaintiff’s claim is remanded for further proceedings
- (2) This case is **dismissed.**
- (3) The Clerk of the Court shall **enter judgment accordingly and close the file in this matter.**

DATED this 7th day of December, 2010.



Frank R. Zapata
Senior United States District Judge