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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Jose L. Ramirez,	)	No. CV 08-521-TUC-FRZ (JCG)
Plaintiff,	)	<b>ORDER</b>
vs.	)	
Michael J. Astrue, Commissioner of Social Security,	)	
Defendant.	)	

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Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Jennifer C. Guerin.<sup>1</sup> The Report and Recommendation recommends denying the relief requested by Plaintiff in his opening brief as the Administrative Law Judge (“ALJ”) properly denied Plaintiff disability benefits based on the determination that Plaintiff still has sufficient residual functional capacity to perform his past work in the customer service field. Plaintiff has challenged the ALJ’s decision on several grounds: the ALJ erred in giving little weight to the opinions of mental health professionals who had treated Plaintiff and greater weight to the opinion of the non-treating state agency psychologist; the ALJ erred

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<sup>1</sup>The 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 in giving little weight to the opinions of treating physicians; the ALJ failed to provide clear,  
2 convincing reasons for rejecting Plaintiff's testimony; and the ALJ improperly relied on the  
3 testimony of the vocational expert. Plaintiff's objections primarily raise issues that were  
4 already considered and appropriately addressed by Magistrate Judge Guerin. As Magistrate  
5 Judge Guerin thoroughly and correctly analyzed, the ALJ properly evaluated the pertinent  
6 medical evidence, properly addressed Plaintiff's testimony, and properly considered the  
7 vocational expert testimony in question; there is no reversible error in this matter and  
8 Plaintiff's objections are denied. *See* Report and Recommendation at 14-23.

9 Accordingly, IT IS HEREBY ORDERED as follows:

10 (1) United States Magistrate Judge Guerin's Report and Recommendation (Doc. #21) is  
11 **accepted and adopted.**

12 (2) This case is **dismissed.**

13 (3) The Clerk of the Court shall **enter judgment accordingly and close the file in this**  
14 **matter.**

15 DATED this 11<sup>th</sup> day of December, 2009.

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19 FRANK R. ZAPATA  
20 United States District Judge  
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