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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

JOHN PENA, JR.,
Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of
Social Security,
Defendant.

No. CV 08-615-TUC-RCC

ORDER

On December 16, 2009, the Honorable D. Thomas Ferraro, United States Magistrate Judge, filed a Report and Recommendation ("Recommendation") in this action (Docket No.23). The Recommendation advised the Court to grant Plaintiff's Motion for Summary Judgement (Docket No.15) and remand the matter for an award of benefits.

The Court considers the Recommendation (Docket No.23) to be thorough and well-reasoned. After a thorough and de novo review of the record, the Court will ADOPT the Recommendation of Magistrate Judge Ferraro. Therefore

IT IS HEREBY ORDERED that the Court adopts Magistrate Judge Ferraro's Report and Recommendation (Docket No. 23).

IT IS FURTHER ORDERED that the Plaintiff's Motion for Summary Judgment is Granted.(Docket No. 23).

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2 **IT IS FURTHER ORDERED** that this matter is remanded for an award of benefits.

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DATED this 6th day of January, 2010.

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Raner C. Collins
United States District Judge

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