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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Brian Crumly,
Plaintiff,
vs.
Michael J. Astrue, Commissioner of Social Security,
Defendant.

No. CV 08-674-TUC-RCC

ORDER

Pending before this Court is a Report and Recommendation issued by United States Magistrate Judge Charles R. Pyle.¹ The Report and Recommendation recommends granting Plaintiff's motion for summary judgment and remanding this case with instructions outlined under the remedy section of the Report and Recommendation because the ALJ's decision is not supported by substantial evidence in the record and free of legal error. Defendant's objections primarily raise issues that were already considered and appropriately addressed by Magistrate Judge Pyle. As Magistrate Judge Pyle thoroughly and correctly analyzed, the

¹ 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 review 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 ALJ—(1) failed to evaluate treating physician Dr. Barnett’s opinion about Plaintiff’s
2 sensitivity to loud noises or general opinion that Plaintiff is chronically disables; (2) erred
3 in evaluating Plaintiff’s mother’s statements; (3) erred in evaluating Plaintiff’s sensitivity to
4 light; (4) erred in evaluating Plaintiff’s medical treatment; and (5) erred in evaluating
5 Plaintiff’s daily activities. There is no reversible error in this matter and Defendant’s
6 objections are denied. *See* Report and Recommendation at 22-30.

7 Accordingly, **IT IS HEREBY ORDERED** as follows:

8 (1) United States Magistrate Judge Pyle’s Report and Recommendation (Doc. 13) is
9 **accepted and adopted**.

10 (2) Plaintiff’s Motion for Summary Judgment (Doc. 10) is **granted**.

11 (3) This case is **remanded** to the Commissioner with instruction as outlined in the
12 Remedy section of the Report and Recommendation. *See* Report and Recommendation 31-
13 37.

14 (4) The Clerk of the Court shall **enter judgment accordingly and close this case**.
15 DATED this 29th day of July, 2010.

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19 **Raner C. Collins**
20 **United States District Judge**