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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Kevin King,  
Plaintiff,  
vs.  
Michael J. Astrue, Commissioner of the  
Social Security Administration,  
Defendant.

No. CV 09-354-TUC-JMR  
**ORDER ADOPTING MAGISTRATE  
JUDGE’S REPORT &  
RECOMMENDATION**

This case involves an appeal by Plaintiff from the Commissioner’s denial of social security benefits. On August 10, 2010, after a thorough and well-documented analysis, Magistrate Judge D. Thomas Ferraro issued a Report and Recommendation (“R&R”) to this Court, recommending that the Commissioner’s decision to deny benefits should be remanded under 42 U.S.C. § 405(g) for further consideration and explanation by the Administrative Law Judge. Neither party filed an objection to the R&R. Further, Defendant Commissioner filed a notice that it would not file objections to the Magistrate Judge’s recommendation.

When there are no objections to the R&R, the Court will modify or set aside only those portions that are clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72; *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). The Court has carefully reviewed the entire record and concludes that Magistrate Judge Ferraro’s recommendations are not clearly

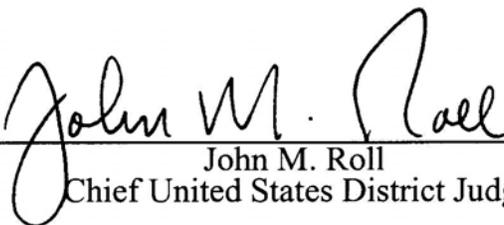
1 erroneous or contrary to law. The Court agrees that, for the reasons enumerated in the R&R,  
2 this matter should be remanded to the agency for “additional investigation or explanation.”  
3 *INS v. Ventura*, 537 U.S. 12, 16 (2002) (quoting *Fla. Power & Light Co. v. Lorion*, 470 U.S.  
4 729, 744 (1985)); *see also Moisa v. Barnhart*, 367 F.3d 882, 886 (9th Cir. 2004).

5 Accordingly,

6 **IT IS ORDERED** that the **REPORT AND RECOMMENDATION** of Magistrate  
7 Judge Ferraro (Doc. 24) is **ADOPTED** in whole. Pursuant to 42 U.S.C. § 405(g), this matter  
8 is **remanded** for further administrative action consistent with the recommendations made by  
9 Magistrate Judge Ferraro and adopted by this Court.

10 The Clerk of Court is directed to close this case and enter judgment accordingly.

11 DATED this 6<sup>th</sup> day of September, 2010.

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16 John M. Roll  
17 Chief United States District Judge  
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