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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Estevan Luis Duran Montez,)	No. CV 10-544-TUC-FRZ (JR)
Plaintiff,)	ORDER
v.)	
Michael J. Astrue, Commissioner of Social Security,)	
Defendant.)	

Plaintiff Estevan Luis Duran Montez filed this action pursuant to 42 U.S.C. § 405(g) of the Social Security Act for judicial review of the final decision of the Commissioner of the Social Security Administration, denying her application for Social Security disability benefits.

This matter was referred to the United States Magistrate Judge for all pretrial proceedings and report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) and LRCiv 72.1 and LRCiv 72.2, Rules of Practice of the United States District Court for the District of Arizona.

On January 8, 2013, Magistrate Judge Jacqueline M. Rateau issued her Report and Recommendation, recommending that the District Court, after its independent review of the record herein, reverse the decision of the Commissioner and remand this case for an award of benefits.

The Report and Recommendation provides a thorough factual background and medical history and an in-depth legal analysis of the claims under the applicable legal standards therein,

1 carefully considering the evidence of the treating and examining physicians and the findings of
2 the Administrative Law Judge.

3 The Report and Recommendation advised the parties that they may file written
4 objections within fourteen (14) days from the date of service of a copy of the Report and
5 Recommendation. *See* 28 U.S.C. § 636(b)(1) and Rules 72(b) of Federal Rules of Civil
6 Procedure.

7 Defendant filed objections, requesting the Court reject the findings of the Magistrate
8 Judge and affirm the ALJ's decision, submitting that the ALJ reasonably discharged his duty
9 to weigh the varying evidence in this case, including the testimony of the Plaintiff and his
10 treating physician. In the alternative, Defendant requests that this matter be remanded for
11 further administrative proceedings and not for the immediate payment of benefits.

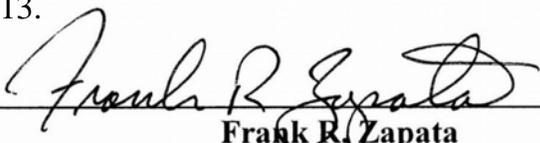
12 The Court finds, after consideration of all matters presented, including the objections
13 filed, and an independent review of the record herein, that the findings of the Magistrate Judge
14 as set forth in the Report and Recommendation, shall be accepted and adopted as the findings
15 of fact and conclusions of law of this Court. Accordingly,

16 **IT IS HEREBY ORDERED** that Magistrate Judge Rateau's Report and
17 Recommendation (Doc. 24) is hereby **ACCEPTED** and **ADOPTED** as the findings of fact and
18 conclusions of law by this Court;

19 **IT IS FURTHER ORDERED** that Plaintiff's claim for benefits is **REMANDED** to the
20 Commissioner of the Social Security Administration for an award of benefits in accordance with
21 the Report and Recommendation;

22 **IT IS FURTHER ORDERED** that judgment be entered accordingly.

23
24 DATED this 26th day of March, 2013.

25
26 
27 Frank R. Zapata
28 Senior United States District Judge