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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Frank Hidalgo Lopez,)	No. CV 10-652-TUC-FRZ (JR)
Plaintiff,)	ORDER
v.)	
Carolyn W. Colvin, ¹ Acting)	
Commissioner of Social Security,)	
Defendant.)	

Plaintiff Frank Hidalgo Lopez 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 his application for Social Security disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-433. Plaintiff’s appeal raises seven issues challenging the denial of 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.

1. Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Michael J. Astrue as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 On April 12, 2013, Magistrate Judge Jacqueline M. Rateau issued her Report and
2 Recommendation, recommending that the District Court, after its independent review of the
3 record herein, remand this case for further proceedings and further development of the record.

4 The Report and Recommendation provides a thorough factual background and medical
5 history and an in-depth legal analysis of the claims under the applicable legal standards therein,
6 carefully considering the evidence of the treating and examining physicians, Plaintiff's
7 testimony at the administrative hearing, and the findings of the Administrative Law Judge.

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

12 Defendant filed a notice that it will not file objections to the Report and
13 Recommendation.

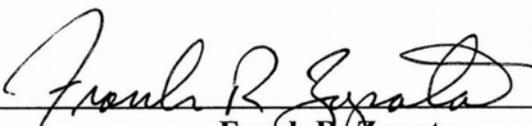
14 The Court finds, after consideration of all matters presented and an independent review
15 of the record herein, that the findings of the Magistrate Judge as set forth in the Report and
16 Recommendation, shall be accepted and adopted as the findings of fact and conclusions of law
17 of this Court.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

18 **IT IS HEREBY ORDERED** that Magistrate Judge Rateau's Report and
19 Recommendation (Doc. 22) is hereby **ACCEPTED** and **ADOPTED** as the findings of fact and
20 conclusions of law by this Court;

21 **IT IS FURTHER ORDERED** that Plaintiff's claim for benefits is **REMANDED** to the
22 Commissioner of the Social Security Administration for further proceedings in accordance with
23 the Report and Recommendation;

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

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26 DATED this 3rd day of June, 2013.

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28 Frank R. Zapata
Senior United States District Judge

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