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

Yak O. Garang,

Plaintiffs,

v.

Nancy A. Berryhill, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

No. CV 18-134-TUC-FRZ

**ORDER**

Plaintiff Yak O. Garang brought this action pursuant to 42 U.S.C. §§ 405(g) and 383(c)(3), seeking judicial review of the final decision by the Commissioner of Social Security (“Commissioner”), denying Plaintiff an award of disability benefits.

The case was referred to Magistrate Judge Linnette C. Kimmins 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 of the Rules of Practice of the United States District Court for the District of Arizona, Local Rules of Civil Procedure.

Magistrate Judge Kimmins, after a thorough review of the record, issued her Report and Recommendation, recommending that the District Court remand this matter for the award of benefits, based the finding that there was no serious doubt as to whether Plaintiff is disabled.

1 The Report and Recommendation provides an in-depth review – and discussion of  
2 the Commissioner’s findings and the evidence presented to the Administrative Law Judge  
3 – under the applicable standard of review.

4 Upon an independent review of the Report and Recommendation, the pleadings, and  
5 the administrative record, the Court agrees with Magistrate Judge Kimmins’ findings.

6 The Report and Recommendation set forth that any party may serve and file written  
7 objections within 14 days of being served with a copy of the Report and Recommendation.

8 No objections were filed.

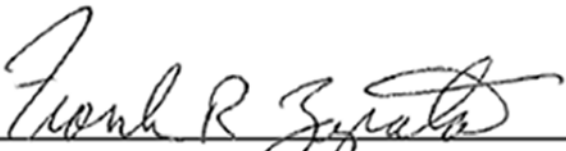
9 Based on the foregoing,

10 IT IS ORDERED that the Report and Recommendation (Doc. 23) is hereby  
11 ACCEPTED and ADOPTED as the findings of fact and conclusions of law by this Court;

12 IT IS THEREFORE ORDERED that this matter is remanded to the Commissioner  
13 for an award of benefits;

14 IT IS FURTHER ORDERED that the Clerk of Court is directed to enter judgment  
15 accordingly.

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17 Dated this 28th day of May, 2019.

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20 Honorable Frank R. Zapata  
21 Senior United States District Judge  
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