



1 2015, plaintiff filed a request for entry of judgment, arguing that plaintiff's  
2 objections were now moot, and asking the court to enter judgment in his favor.  
3 Defendant opposed this request on October 13, 2015, objecting to plaintiff's late  
4 consent and arguing that the court should consider defendant's objections.

5 The court appreciates and understands defendant's concerns about  
6 plaintiff's consenting to magistrate judge jurisdiction only after the Report and  
7 Recommendation was filed. Nonetheless, the Local Rules of this court plainly  
8 permit the parties to consent "at any time prior to the entry of judgment." L.R. 73-  
9 3. As such, plaintiff's consent is valid, and the case has been reassigned. But the  
10 court will not enter judgment without first considering defendant's objections, for  
11 two reasons. First, with the Report and Recommendation, the court notified the  
12 parties they had the opportunity to file objections, and thus the court finds it  
13 appropriate that any objections filed be considered. Second, even if the objections  
14 are not properly considered as objections, under the procedural circumstances  
15 described above, the court will treat the objections as a request for reconsideration.  
16 The court will also consider the objections, even though they were filed one day  
17 late.

18 Accordingly, the court has considered defendant's objections, and has  
19 specifically reviewed again those portions of the Report and Recommendation to  
20 which defendant has objected. Although defendant raises a number of points with  
21 respect to the court's findings that the ALJ erred in discounting plaintiff's  
22 credibility with respect to his claimed mental limitations and in failing to properly  
23 consider the opinions of plaintiff's treating psychiatrist and therapist, these points  
24 are largely the same as those defendant made in her memorandum in support of the  
25 answer. None of defendant's objections cause the court to reconsider its findings.

26 As such, the court adopts and incorporates by reference the findings in the  
27 Report and Recommendation. **IT IS THEREFORE ORDERED** that: (1) plaintiff's  
28 Request for Entry of Judgment (docket no. 23) is **GRANTED**; and (2) Judgment

1 be entered reversing the decision of the Commissioner denying benefits, and  
2 remanding this action for further administrative proceedings consistent with the  
3 Report and Recommendation as incorporated into this Memorandum Opinion and  
4 Order.

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6 Dated: October 22, 2015



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8 SHERI PYM  
United States Magistrate Judge

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