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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL H. HILL,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

No. 1:18-cv-01673-DAD-HBK

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 31)

Plaintiff Michael H. Hill filed this *pro se* appeal of the administrative decision of defendant Commissioner of Social Security denying his application for disability insurance benefits under Title II of the Social Security Act and supplemental security income under Title XVI of the Social Security Act. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 10, 2021, the assigned magistrate judge issued findings and recommendations finding that the administrative law judge’s conclusion that plaintiff was abusing substances and had relapsed in May 2017 was not supported by substantial evidence, and that this error was not harmless. (Doc. No. 31 at 9.) Accordingly, the magistrate judge recommended that judgment be entered in favor of plaintiff, the Commissioner’s decision be reversed, and the matter be remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. (*Id.* at 11.)

1 The findings and recommendations were served on the parties and contained notice that any
2 objections thereto were to be filed within fourteen (14) days of service. (*Id.*) The parties were
3 “advised that failure to file objections within the specified time may result in the waiver of rights
4 on appeal.” (*Id.*) (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014)). To date,
5 no objections have been filed, and the time in which to do so has now passed.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the
7 undersigned has conducted a *de novo* review of this case. Having carefully reviewed the entire
8 file, the court finds the findings and recommendations to be supported by the record and proper
9 analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on September 10, 2021 (Doc. No. 31)
12 are adopted in full;
- 13 2. This matter is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for
14 further proceedings consistent with this order; and
- 15 3. The Clerk of the Court is directed to close this case.

16 IT IS SO ORDERED.

17 Dated: October 29, 2021

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19 _____
20 UNITED STATES DISTRICT JUDGE