1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 ASHLEY ANN YAMADA, Case No.: 1:20-cv-01386 JLT BAM 11 ORDER ADOPTING THE FINDINGS AND 12 Plaintiff. RECOMMENDATIONS, GRANTING PLAINTIFF'S MOTION FOR SUMMARY 13 JUDGMENT. AND REMANDING FOR FURTHER PROCEEDINGS PURSUANT TO SENTENCE 14 v. FOUR OF 42 U.S.C. § 405(g) 15 MARTIN O'MALLEY. Commissioner of Social Security¹, ORDER DIRECTING ENTRY OF JUDGMENT IN 16 FAVOR OF PLAINTIFF ASHLEY ANN YAMADA AND AGAINST DEFENDANT MARTIN Defendant. O'MALLEY, COMMISSIONER OF SOCIAL 17 **SECURITY** 18 (Docs. 23, 28) 19 Ashley Ann Yamada seeks judicial review of a final decision denying her application for 20 benefits under the Social Security Act. (Doc. 23.) The magistrate judge found the administrative law 21 judge "erred in discounting Plaintiff's symptom testimony." (Doc. 28 at 12; see also id. at 9-12.) As a 22 result, "the ALJ's decision was not supported by substantial evidence in the record as a whole and was 23 not based on proper legal standards." (Id. at 14.) The magistrate judge determined the matter should 24 be remanded for the ALJ to "address whether Plaintiff's symptoms testimony is adequately supported 25

or whether there are specific, clear and convincing reasons for rejecting Plaintiff's symptoms

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¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Court substitutes Martin O'Malley as the defendant in this case.

testimony." (*Id.* at 13.) Therefore, the magistrate judge recommended Plaintiff's motion for summary judgment be granted, the agency's determination to deny benefits be reversed, and judgment be entered in favor of Plaintiff. (*Id.* at 14.)

The Court served the Findings and Recommendations on the parties and notified them that any objections were due within 14 days. (Doc. 28 at 14.) The Court advised the parties that the "failure to file objections within the specified time may result in the waiver of the 'rights to challenge the magistrate judge's factual findings' on appeal." (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Neither the Commissioner or Plaintiff filed objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 1. The Findings and Recommendations issued on June 28, 2024 (Doc. 28) are **ADOPTED** in full.
- 2. Plaintiff's motion for summary judgment (Doc. 23) is **GRANTED**.
- 3. The administrative decision is reversed, and the matter is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings.
- 4. The Clerk of Court is directed to enter judgment in favor of Plaintiff Ashley Ann Yamada, and against Defendant Martin O'Malley, Commissioner of Social Security, and to close this case.

IT IS SO ORDERED.

Dated: August 27, 2024

PLNNIM L. MWW/M

ATED STATES DISTRICT JUDGE