1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 LISA L. MADRID, No. 1:21-cv-0352 JLT SAB 12 Plaintiff. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, GRANTING 13 v. PLAINTIFF'S APPEAL, DENYING THE COMMISSIONER'S REQUEST TO AFFIRM 14 KILOLO KIJAKAZI, Acting THE DECISION, AND REMANDING THE Commissioner of Social Security, 1 MATTER FOR FURTHER PROCEEDINGS 15 PURSUANT TO SENTENCE FOUR OF 42 Defendant. U.S.C. § 405(g) 16 (Docs. 13, 17, and 19) 17 Lisa Madrid seeks judicial review of the administrative decision denying her application 18 19 for disability insurance benefits under Title II of the Social Security Act, asserting the ALJ erred 20 in finding her impairments were not severe at step two of the sequential analysis. (Doc. 13.) The 21 Commissioner argued the administrative decision should be upheld by the Court. (Doc. 17.) 22 The assigned magistrate judge found ALJ erred at step two, and the error was not harmless. (Doc. 19 at 18-27.) The magistrate judge recommended Plaintiff's appeal be granted, 23

The assigned magistrate judge found ALJ erred at step two, and the error was not harmless. (Doc. 19 at 18-27.) The magistrate judge recommended Plaintiff's appeal be granted, and the action be remanded for further proceedings. (*Id.* at 26-27.) On April 6, 2023, the Court served the Findings and Recommendations on all parties and informed them that any objections had to be filed within fourteen days of service. (*Id.* at 27.) The Court also advised the parties that

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¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew Saul as the defendant in this suit.

1	"failure to file objections within the specified time may result in the waiver of rights on appeal.	
2	(Id., citing Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014), Baxter v. Sullivan, 923 F.2d	
3	1391, 1394 (9th Cir. 1991).) No objections were filed by either party and the deadline to do so	
4	has expired.	
5	Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court performed a <i>de novo</i> review of the case.	
6	Having carefully reviewed the entire matter, the Court concludes the Findings and	
7	Recommendations are supported by the record and proper analysis. Thus, the Court ORDERS :	
8	1.	The Findings and Recommendations issued on April 6, 2023 (Doc. 19) are
9		ADOPTED in full.
10	2.	Plaintiff's appeal of the administrative decision (Doc. 13) is GRANTED .
11	3.	The Commissioner's request to affirm the decision (Doc. 17) is DENIED .
12	4.	The matter is REMANDED for further proceedings pursuant to sentence four of
13		42 U.S.C. § 405(g).
14	5.	The Clerk of Court is directed to enter judgment in favor of Plaintiff Lisa L.
15		Madrid, and against Defendant Kilolo Kijakazi, Acting Commissioner of Social
16		Security, and to close this case.
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18	IT IS SO OR	
19	Dated:	May 2, 2023 UNITED STATES DISTRICT JUDGE
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