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8	UNITED STATES DISTRICT COURT		
9	EASTERN DIS	TRICT OF CALIFORNIA	
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11	GEORGINA NARDONE, on behalf of I.F.	) Case No.: 1:21-cv-1444 JLT SKO	
12	(a minor), Plaintiff,	<ul> <li>ORDER ADOPTING IN FULL THE FINDINGS</li> <li>AND RECOMMENDATIONS</li> </ul>	
13		<ul> <li>) RECOMMENDING THAT PLAINTIFF'S</li> <li>) MOTION FOR SUMMARY JUDGMENT BE</li> </ul>	
14	V.	<ul> <li>) GRANTED, DEFENDANT'S CROSS-MOTION</li> <li>) FOR SUMMARY JUDGMENT BE DENIED,</li> </ul>	
15 16	KILOLO KIJAKAZI, Acting Commissioner of Social Security, <sup>1</sup>	<ul> <li>AND THE ACTION BE REMANDED TO THE</li> <li>ACTING COMMISSIONER FOR FURTHER</li> <li>PROCEEDINGS</li> </ul>	
17	Defendant.	)	
17		) (Docs. 15, 19, 21)	
10	Georgina Nardone filed a complaint o	on behalf of her minor child I.F. under 42 U.S.C. §	
20	1383(c) seeking judicial review of a final decision of the Commissioner of Social Security denying her		
21	application for Supplemental Security Income under the Social Security Act. (Doc. 1.)		
22	The assigned magistrate judge issued findings and recommendations recommending that		
23	Plaintiff's motion for summary judgment be g	granted and that Defendant's motion for summary	
24	judgment be denied. (Doc. 21.) The magistrat	te judge recommended that the action be remanded to the	
25	Acting Commissioner for further proceedings because the ALJ's finding that I.F. was a "preschooler"		
26	on the application date was harmful error.		
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28	<sup>1</sup> On July 9, 2021, Kilolo Kijakazi was named A	Acting Commissioner of the Social Security Administration. See	

<sup>&</sup>lt;sup>1</sup> On July 9, 2021, Kilolo Kijakazi was named Acting Commissioner of the Social Security Administration. *See* <u>https://www.ssa.gov/history/commissioners.html</u>. She is therefore substituted as the defendant in this action. *See* 42 U.S.C. § 405(g) (referring to the "Commissioner's Answer"); 20 C.F.R. § 422.210(d) ("the person holding the Office of the Commissioner shall, in [their] official capacity, be the proper defendant.").

1	The Court granted the parties 14 days from the date of service to file objections to the		
2	recommendation of the magistrate judge. (Doc. 21 at 12.) The Court advised the parties "that failure		
3	to file objections within the specified time may waive the right to appeal the district judge's order."		
4	(Id., citing Wilkerson v. Wheeler, 772 F.3d 834, 834 (9th Cir. 2014)). Thus, any objections were due		
5	no later than November 17, 2022. To date, no objections have been filed.		
6	According to 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley United School Dist., 708 F.2d		
7	452, 454 (9th Cir. 1983), this Court conducted a de novo review of the case. Having carefully reviewed		
8	the matter, the Court finds the findings and recommendations are supported by the record and proper		
9	analysis. Based upon the foregoing, the Court <b>ORDERS</b> :		
10	1.	The findings and recommendations filed November 3, 2022 (Doc. 21) are ADOPTED	
11		IN FULL.	
12	2.	Plaintiff's motion for summary judgment (Doc. 15) is GRANTED.	
13	3.	Defendant's cross-motion for summary judgment (Doc. 19) is <b>DENIED.</b>	
14	4.	This matter is <b>REMANDED</b> pursuant to sentence four of 42 U.S.C. § 405(g) for	
15		further proceedings consistent with this decision.	
16	5.	The Clerk of the Court is <b>DIRECTED</b> to enter judgment in favor of Plaintiff Georgina	
17		Nardone, on behalf of minor child I.F., and against Defendant Acting Commissioner of	
18		Social Security, and to CLOSE this action.	
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20	IT IS SO ORDERED.		
21	Dated:	November 21, 2022	
22		UNITED STATES DISTRICT JUDGE	
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