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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	DESIRA VEGA,	Case No. 1:22-cv-0661 JLT GSA
12	Plaintiff,	ORDER ADOPTING THE FINDINGS AND
13		RECOMMENDATIONS, GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, DENYING DEFENDANT'S REQUEST TO AFFIRM, AND REMANDING FOR FURTHER PROCEEDINGS PURSUANT
14	v.	
15	MARTIN O'MALLEY, Commissioner of Social Security, <sup>1</sup>	TO SENTENCE FOUR OF 42 U.S.C. § 405(g)
16	Defendant.	ORDER DIRECTING ENTRY OF JUDGMENT IN FAVOR OF PLAINTIFF DESIRA VEGA
17	Defendant.	AND AGAINST DEFENDANT MARTIN O'MALLEY, COMMISSIONER OF SOCIAL
18		SECURITY SECURITY
19		(Docs. 15, 16, 18)
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21	Desira Vega initiated this action seeking judicial review of a final decision of the	
22	Commissioner of Social Security denying her application for supplemental security income under	
23	Title XVI of the Social Security Act. (Doc. 1.) The assigned magistrate judge determined	
24	Plaintiff did not show error by the ALJ in determining her mental residual functional capacity.	
25	(Doc. 18 at 11-13.) However, the magistrate judge found the ALJ erred in evaluating the medical	
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27	<sup>1</sup> 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 suit.	
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record related to Plaintiff's physical impairments and failed to properly "incorporate Plaintiff's limitation to occasional reaching in all direction with the right upper extremity" in the residual functional capacity. (*Id.* at 13, emphasis omitted.) Therefore, the magistrate judge recommended Plaintiff's motion for summary judgment be granted, the matter be remanded for further administrative proceedings, and that judgment be entered in favor of Plaintiff. (*Id.* at 14.)

The Court served the Findings and Recommendations and notified the parties that any objections were due within 14 days. (Doc. 18 at 14.) The Court advised the parties that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Neither party filed objections, and the time to do so has passed.

According to 28 U.S.C. § 636 (b)(1)(c), this Court performed a *de novo* review of the 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**:

- The Findings and Recommendations issued on February 28, 2024 (Doc. 18) are
   ADOPTED in full.
- 2. Plaintiff's motion for summary judgment (Doc. 15) is **GRANTED**.
- 3. Defendant's request to affirm the decision (Doc. 16) is **DENIED**.
- 4. The matter is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings.
- 5. The Clerk of Court is directed to enter judgment in favor of Plaintiff Desira Vega, and against Defendant Martin O'Malley, Commissioner of Social Security, and to close this case.

IT IS SO ORDERED.

Dated: March 26, 2024

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