UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MYRA SCALES,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 1:24-cv-00070-WBS-BAM

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS REGARDING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT OR REMAND

(Docs. 16, 20, 21)

Plaintiff Myra Scales initiated this action seeking judicial review of a final decision of the Commissioner of Social Security denying her application for supplemental security income under Title XVI of the Social Security Act. The assigned magistrate judge determined the decision of the administrative law judge was supported by substantial evidence in the record as a whole and was based upon proper legal standards. (Doc. 21 at 1.) The magistrate judge therefore recommended Plaintiff's motion for summary judgment be denied, the Commissioner's request to affirm the agency's determination to deny benefits be granted, and the Clerk of this Court be directed to enter judgment in favor of Defendant Commissioner of Social Security, and against Plaintiff Myra Scales. (*Id.* at 11.)

The Court served the Findings and Recommendations and notified the parties that any objections were due within 14 days. (Doc. 21 at 12.) The Court advised the parties that "the failure to file objections within the specified time may result in the waiver of the 'right to challenge the magistrate's factual findings' on appeal." (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Plaintiff filed objections on April 1, 2025, arguing that the magistrate judge's findings that the ALJ properly considered Plaintiff's vision impairment and properly evaluated Plaintiff's subjective complaints should be rejected. (Doc. 22.) Defendant Commissioner of Social Security filed an opposition to Plaintiff's objections on April 15, 2025, asserting that the Court should adopt the Findings and Recommendations. (Doc. 23.) Specifically, Defendant Commissioner of Social Security argues that the ALJ properly assessed Plaintiff's vision impairments at step two and did not err in evaluating Plaintiff's testimony. (*Id.*)

According to 28 U.S.C. § 636 (b)(1)(c), this Court conducted a *de novo* review of the case. Having carefully reviewed the entire matter, including Plaintiff's objections, the Court concludes that the Findings and Recommendations are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

1. The Findings and Recommendations (Doc. 21) are **ADOPTED**.
2. Plaintiff's Motion for Summary Judgment (Doc. 16) is **DENIED**.
3. The Commissioner's request to affirm the agency's decision (Doc. 20) is **GRANTED**.
4. The Clerk of the Court is directed to enter judgment in favor of Defendant Commissioner of Social Security, and against Plaintiff Myra Scales, and to close this case.

Dated: April 25, 2025

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE