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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR LEE SCHIEL,

Plaintiff,

No. CIV S-09-1416 FCD EFB

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

ORDER

Defendant.

On August 16, 2010, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

Accordingly, the court presumes any findings of fact are correct. See Orland v. United States, 602 F.2d 207, 208 (9th Cir. 1999). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the Proposed Findings and Recommendations in full.

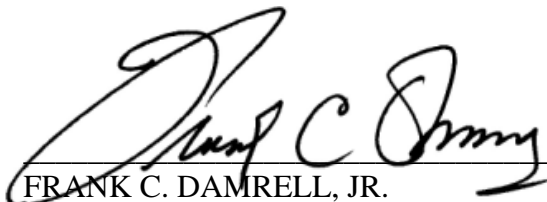
Accordingly, IT IS ORDERED that:

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1. The Proposed Findings and Recommendations filed August 16, 2010, are ADOPTED;
2. Plaintiff's motion for summary judgment and/or remand is granted in part and denied in part;
3. The Commissioner's cross-motion for summary judgment is denied;
4. This action is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this order; and
5. The Clerk is directed to enter judgment for plaintiff.

DATED: October 1, 2010.


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE