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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WESLEY ELVIS PEDEN,
Plaintiff,
v.
KILOLO KIJAKAZI, Acting
Commissioner of Social Security,
Defendant.

No. 2:22-cv-01415-EFB (SS)

ORDER

On May 26, 2023, the magistrate judge filed findings and recommendations herein which were served on the parties and contained notice that any objections thereto were to be filed within fourteen days. ECF No. 16. Plaintiff has filed a response, which the Court construes as objections to the findings and recommendations. ECF No. 17.

The Court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The proposed Findings and Recommendations filed May 26, 2023, (ECF No. 16) are ADOPTED in full;
2. Defendant's motion to dismiss (ECF No. 11) is GRANTED;
3. This action is DISMISSED for failure to state a claim upon which relief could be granted; and
4. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: July 18, 2023



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE