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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   MARKUS DEAN FELKINS,   No. 2:22-cv-1652-DJC-KJN

12   Plaintiff,   ORDER

13   v.   (ECF Nos. 12, 15.)

14   COMMISSIONER OF SOCIAL
      SECURITY,
15
                      Defendant.
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17   On October 6, 2023, the Magistrate Judge filed findings and recommendations

18   (ECF No. 17), which were served on the parties and which contained notice that any

19   objections to the findings and recommendations were to be filed within fourteen (14)

20   days. On October 20, 2023 Plaintiff filed objections to the findings and

21   recommendations (ECF No. 18), which have been considered by the Court.

22   This Court reviews de novo those portions of the proposed findings of fact to

23   which an objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp.*

24   *v. Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981); *see also*

25   *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the

26   proposed findings of fact to which no objection has been made, the court assumes its

27   correctness and decides the matter on the applicable law. *See Orand v. United States*,

28   602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are

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reviewed de novo. *See Britt v. Simi Valley Unified School 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 findings and recommendations in full. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 17) are ADOPTED IN FULL;

2. Plaintiff's motion for summary judgment (ECF No. 12) is DENIED;

3. The Commissioner's cross-motion (ECF No. 17) is GRANTED;

4. The final decision of the Commissioner is AFFIRMED; and

5. The Clerk of Court is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: **November 17, 2023**

Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE