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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

J.M., by and through Eva Melendez,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Civil Case No. 09cv212-MMA(NLS)

**ORDER ACCEPTING REPORT AND
ADOPTING FINDINGS AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE;**

[Doc. No. 20]

**DENYING PLAINTIFF’S MOTION
FOR SUMMARY JUDGMENT;**

[Doc. No. 13]

**GRANTING DEFENDANT’S CROSS -
MOTION FOR SUMMARY
JUDGMENT**

[Doc. No. 16]

On February 4, 2009, Plaintiff Joseph Melendez, by and through his mother Eva Melendez, filed this appeal of the final judgment of the Commissioner of Social Security denying his claim for disability benefits. The matter was referred to the Honorable Nita L. Stormes, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B) and Civil Local Rule 72.1. On December 16, 2009, Judge Stormes filed a thorough and well-reasoned Report containing findings and conclusions, upon which she bases her recommendation that the Court deny Plaintiff’s motion for summary judgment and grant Defendant’s cross motion for summary judgment. Neither party

1 objected to the Report and Recommendation, and the time for filing objections has expired.

2 The Court has considered the pleadings and memoranda of the parties and other relevant
3 matters of record, and has made a review and determination in accordance with the requirements
4 of 28 U.S.C. § 636 and applicable case law. Accordingly, good cause appearing,

5 **IT IS HEREBY ORDERED THAT:**

- 6 1. The Report and Recommendation [Doc. No. 20] is **ADOPTED** in its entirety;
- 7 2. Plaintiff's Motion for Summary Judgment [Doc. No. 13] is **DENIED**; and
- 8 3. Defendant's Cross-Motion for Summary Judgment [Doc. No. 16] is **GRANTED**.

9 The Clerk of Court is instructed to enter final judgment in accordance with this Order and
10 terminate the case.

11 **IT IS SO ORDERED.**

12 DATED: February 1, 2010

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14 Hon. Michael M. Anello
15 United States District Judge

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