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

10 JAMES LAWRENCE RICH,

11 Plaintiff,

12 vs.

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17 MICHAEL J. ASTRUE, Commissioner of
18 Social Security,

19 Defendant.

CASE NO. 10 CV 2022 MMA (BLM)

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

[Doc. No. 20]

**GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT;**

[Doc. No. 15]

**DENYING DEFENDANT'S CROSS -
MOTION FOR SUMMARY
JUDGMENT**

[Doc. No. 16]

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23 On September 28, 2010, Plaintiff James Rich filed this appeal of the final judgment of the
24 Commissioner of Social Security denying his claim for Disability Insurance Benefits and
25 Supplemental Security Income. The matter was referred to the Honorable Barbara L. Major, United
26 States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B) and Civil Local Rule 72.1. On
27 September 19, 2011, Judge Major filed a thorough and well-reasoned Report containing findings and
28 conclusions, upon which she bases her recommendation that the Court grant Plaintiff's motion for

1 summary judgment in part, deny Defendant's cross-motion for summary judgment, and remand this
2 case to the Commissioner for further proceedings consistent with her recommendation.

3 Neither party objected to the Report and Recommendation, and the time for filing objections
4 has expired.

5 The Court has considered the pleadings and memoranda of the parties as well as the
6 administrative record, and has made a review and determination in accordance with the requirements
7 of 28 U.S.C. § 636 and applicable case law. Accordingly, good cause appearing,

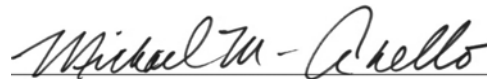
8 **IT IS HEREBY ORDERED THAT:**

- 9 1. The Report and Recommendation [Doc. No. 20] is **ADOPTED** in its entirety;
- 10 2. Plaintiff's Motion for Summary Judgment [Doc. No. 15] is **GRANTED** in part and
11 **DENIED** in part; and
- 12 3. Defendant's Cross-Motion for Summary Judgment [Doc. No. 16] is **DENIED**.

13 **IT IS FURTHER ORDERED THAT** this case is **REMANDED** to the Commissioner of
14 Social Security for further administrative proceedings consistent with this opinion, pursuant to
15 sentence four of 42 U.S.C. § 405(g). *See Akopyan v. Barnhart*, 296 F.3d 852, 854 (9th Cir. 2002).

16 **IT IS SO ORDERED.**

17 DATED: November 16, 2011



Hon. Michael M. Anello
United States District Judge