

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Gary L. L.,

No. 23-cv-17 (KMM/ECW)

Plaintiff,

v.

ORDER

Kilolo Kijakazi, *Acting Commissioner of
Social Security*,

Defendant.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright, dated October 11, 2023. [R&R, ECF No. 15.] Judge Cowan Wright found no error in the Administrative Law Judge's ("ALJ") formulation of the Plaintiff's residual functional capacity with respect to Plaintiff's ability to have contact with the public. [*Id.* at 19.] However, she found that the ALJ's rejection of the medical opinions provided by Jenny Bliss, a psychiatric mental health nurse practitioner, as unpersuasive was not supported by substantial evidence. [*Id.* at 19–24.] Accordingly, Judge Cowan Wright recommended that Plaintiff's motion be granted in part, the Commissioner's motion be denied, and this matter be remanded to the Social Security Administration for further proceedings. No objections have been filed to the R&R.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the

Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Court agrees with Judge Cowan Wright's analysis, concludes that Plaintiff's motion should be granted in part, and this matter should be remanded to the agency for further proceedings.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation [ECF No. 15] is **ACCEPTED**.
2. Plaintiff's Motion for Summary Judgment [ECF No. 10] is **GRANTED IN PART**.
3. Defendant's Motion for Summary Judgment [ECF No. 12] is **DENIED**.
4. This case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings consistent with the Report and Recommendation.

Let Judgment Be Entered Accordingly.

Date: **November 13, 2023**

s/ Katherine M. Menendez

Katherine M. Menendez

United States District Judge