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UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

PETINA K.,

Administration, 1

Case No. 23-cv-3086 (LMP/JFD)

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security

ORDER ADOPTING REPORT AND
RECOMMENDATION

Defendant.

Edward C. Olson, Reitan Law Office, Minneapolis, MN, and Clifford Michael Farrell, Manring & Farrell, Dublin, OH, for Plaintiff Petina K.

Ana H. Voss, United States Attorney's Office, Minneapolis, MN, Chris Carillo, James D. Sides, and Sophia Doroba, Social Security Administration, Baltimore, MD, for Defendant Carolyn W. Colvin, Acting Commissioner of the Social Security Administration.

Plaintiff Petina K. appeals the denial of her application for disability benefits by Defendant Carolyn W. Colvin, Acting Commissioner of the Social Security Administration (the "Commissioner"). *See* ECF No. 1. After receiving briefing from Petina K. and the Commissioner (ECF Nos. 12, 14), United States Magistrate Judge John F. Docherty issued a Report and Recommendation ("R&R"), recommending that the Court reverse the Commissioner's decision denying benefits and remand to the Social Security Administration for additional consideration. *See* ECF No. 17. The R&R proposes remand

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¹ On November 30, 2024, Carolyn W. Colvin became the Acting Commissioner of the Social Security Administration. The Court substitutes Carolyn W. Colvin as defendant in her official capacity. Fed. R. Civ. P. 25(d).

specifically for additional consideration and articulation by the Commissioner of the

persuasiveness of Dr. Karayusuf's and Dr. Sperr's medical opinions. Id. at 14. Neither

party objected to the R&R, see Fed. R. Civ. P. 72(b)(2), so the Court reviews the R&R for

clear error, Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no

clear error, the Court adopts the R&R, reverses the Commissioner's decision, and remands

to the Social Security Administration for further proceedings.

CONCLUSION

Based upon the foregoing, and all the files, records, and proceedings herein, IT IS

HEREBY ORDERED that:

1. The relief requested in Petina K.'s brief (ECF No. 12) is **GRANTED**.

2. The relief requested in the Commissioner's brief (ECF No. 14) is **DENIED**.

3. The Report and Recommendation (ECF No. 17) is **ADOPTED IN FULL**.

4. The final decision of the Commissioner is **REVERSED**, and the matter is

REMANDED to the Social Security Administration for further proceedings

consistent with the Report and Recommendation (ECF No. 17).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 3, 2025

s/Laura M. Provinzino

Laura M. Provinzino

United States District Judge

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