

FILED

AUG 05 2016

Clerk, U S District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

LEROY MCFADDEN,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security
Administration,

Defendant.

CV 15-82-M-DLC-JCL


ORDER

United States Magistrate Judge Jeremiah C. Lynch entered findings and recommendations in this case on July 8, 2016, recommending that Plaintiff Leroy McFadden's ("McFadden") motion for summary judgment in this Social Security case be denied. Neither party objected to the findings and recommendations, and so both have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Lynch's conclusion that the administrative law judge's decision was based on substantial evidence and free of legal error.

Accordingly, IT IS ORDERED that Judge Lynch's findings and recommendations (Doc. 21) are ADOPTED IN FULL. McFadden's motion for summary judgment (Doc. 11) is DENIED and the Commissioner's decision is AFFIRMED.

DATED this 5th day of August, 2016.



Dana L. Christensen, Chief Judge
United States District Court