

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

JAMES P. GRAGERT,

Plaintiff,

vs.

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

Defendant.

CV 15-118-M-DLC-JCL

ORDER
NUNC PRO TUNC

United States Magistrate Judge Jeremiah C. Lynch¹ entered findings and recommendations in this case on August 31, 2016, recommending that the Social Security Commissioner's decision be affirmed. Gragert did not object to the findings and recommendations, and so has 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

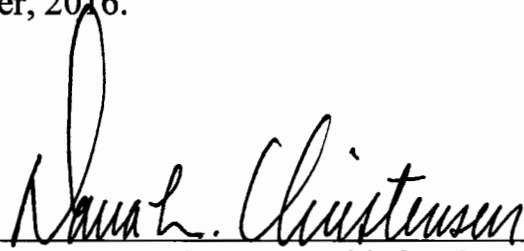
¹ The Court's Order dated October 14, 2016, incorrectly noted United States Magistrate Judge John T. Johnston as the magistrate judge on this case. United States Magistrate Judge Jeremiah C. Lynch is the correct magistrate judge assigned to this case.

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 (“ALJ”) decision is based on substantial evidence and is free of prejudicial legal error.

Accordingly, IT IS ORDERED that Judge Lynch’s Findings and Recommendations (Doc. 20) are ADOPTED IN FULL. This case is DISMISSED. The Clerk of Court shall CLOSE this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 17th day of October, 2016.



Dana L. Christensen, Chief Judge
United States District Court