

**FILED**

MAR 27 2018

Clerk, U.S. District Court  
District Of Montana  
MissoulaIN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

BELINDA D. ERICKSON,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

CV 17-16-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations on January 30, 2018, recommending that the Commissioner's decision be affirmed. Plaintiff Belinda D. Erickson ("Erickson") failed to timely object to the Findings and Recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). 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). Because the parties are familiar with the facts of this case they will only be included here as necessary to explain the Court's order.

Erickson brings this action challenging the decision of the Commissioner of Social Security denying her application for disability insurance benefits. Erickson's claim stems from her allegations of disability after she fell and injured herself while walking across a parking lot. After an administrative hearing, an administrative law judge ("ALJ") found that Erickson was not disabled within the meaning of the Act. Judge Lynch recommends that the Commissioner's decision be affirmed, because it is based on substantial evidence and is free of prejudicial error. The Court agrees with Judge Lynch's findings and concludes that it is free from factual or legal error.

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 11) are ADOPTED IN FULL. The Commissioner's decision is AFFIRMED.

DATED this 27th day of March, 2018.



Dana L. Christensen, Chief District Judge  
United States District Court