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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

WANDA R. CLEMONS,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

Case No. 2:15-cv-00389-APG-VCF

**ORDER ACCEPTING REPORT &  
RECOMMENDATION AND  
REMANDING CASE**

(ECF Nos. 17, 22, 25)

10 On December 15, 2015, Magistrate Judge Ferenbach entered a Report & Recommendation  
11 (ECF No. 25) recommending that plaintiff Wanda Clemons' motion to remand (ECF No. 17) be  
12 granted, that defendant Carolyn Colvin's motion to affirm (ECF No. 22) be denied, and that this  
13 matter be remanded to the ALJ to resolve the inconsistency between (1) Clemons' RFC limitation  
14 of simple tasks and simple instructions and (2) the vocational expert's testimony that Clemons  
15 could perform jobs that required level-three reasoning. Neither party objected to the Report &  
16 Recommendation.

17 Pursuant to Local Rule IB 3-2(a), any objection to Judge Ferenbach's Report and  
18 Recommendation had to be filed within fourteen days. No objection was filed. The failure to file  
19 objections within the specified time, and failure to properly address and brief the objectionable  
20 issues, waives the right to appeal the order and to appeal factual issues from the order. *Thomas v.*  
21 *Arn*, 474 U.S. 140, 142 (1985); *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); LR IB 3-  
22 2(b) (stating the "district judge must conduct a de novo review of those portions of the specified  
23 findings or recommendations to which objections have been made"). There being no objection to  
24 Judge Ferenbach's Report & Recommendation,

25 IT IS ORDERED that Judge Ferenbach's Report and Recommendation (**ECF No. 25**) is  
26 **accepted**, plaintiff's motion for remand (**ECF No. 17**) is **GRANTED**, and defendant's motion to  
27 affirm (**ECF No. 22**) is **DENIED**.

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IT IS FURTHER ORDERED that this matter is **REMANDED** to the Administrative Law Judge for further proceedings consistent with this order and with Judge Ferenbach's Report & Recommendation.

Dated: May 27, 2016.



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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE