

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

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

Gail Albanese,  
Plaintiff  
v.  
Nancy A. Berryhill, Acting  
Commissioner of Social Security,  
Defendant

Case No.: 2:16-cv-02350-JAD-VCF

**Order Adopting Report and  
Recommendation, Granting and  
Denying Motions, and  
Dismissing Case**

[ECF Nos. 21, 22, 27]

11  
12  
13  
14  
15

Gail Albanese appeals from the Commissioner's final decision denying Albanese disability insurance benefits. Albanese moved for reversal by summary judgment,<sup>1</sup> and the Commissioner cross-moved to affirm.<sup>2</sup> Magistrate Judge Cam Ferenbach recommends that Albanese's motion be granted, the Commissioner's cross-motion be denied, and this case be remanded to the administrative law judge for further proceedings.<sup>3</sup>

16  
17  
18  
19

The report and recommendation was entered June 12, 2017, making June 26, 2017, the deadline to file an objection. No party has filed an objection to the report and recommendation. "[N]o review is required of a magistrate judge's report and recommendation unless objections are filed."<sup>4</sup>

20  
21  
22

Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY ORDERED that Magistrate Judge Ferenbach's report and recommendation [ECF No. 27] is **ACCEPTED and ADOPTED**; Albanese's motion for summary judgment [ECF No. 21] is **GRANTED**; the

23  
24

---

<sup>1</sup> ECF No. 21.

25

<sup>2</sup> ECF No. 22.

26

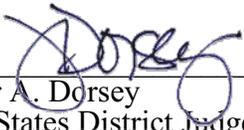
<sup>3</sup> ECF No. 27.

27  
28

<sup>4</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 Commissioner's cross-motion to affirm [ECF No. 22] is **DENIED**; and this matter is **REMANDED**  
2 **back to the administrative law judge** for further proceedings consistent with the Report and  
3 Recommendation. The Clerk of Court is directed to enter judgment accordingly and **CLOSE THIS**  
4 **CASE.**

5 DATED June 28, 2017.

6  
7   
8 \_\_\_\_\_  
9 Jennifer A. Dorsey  
10 United States District Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28