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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEANDRE GREEN,

Plaintiff

v.

NANCY A. BERRYHILL,

Defendant

Case No.: 2:17-cv-01339-APG-NJK

**Order Accepting Report and
Recommendation and Remanding for
Further Proceedings**

[ECF Nos. 16, 19, 38]

On August 20, 2018, Magistrate Judge Koppe recommended that the plaintiff's motion for reversal or remand be granted, that the defendant's motion to affirm be denied, and that I remand this case to the administrative law judge for further proceedings. ECF No. 38. The defendant did not object. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

IT IS THEREFORE ORDERED that Magistrate Judge Koppe's report and recommendation (**ECF No. 38**) is **accepted**, the plaintiff's motion to remand (**ECF No. 16**) is **GRANTED**, and the defendant's motion to affirm (**ECF No. 19**) is **DENIED**. This action is **REMANDED** to the administrative law judge for further proceedings. The clerk of court is instructed to close this case.

DATED this 6th day of September, 2018.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE