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28UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CRAIG R. SMITH,

Plaintiff(s),

v.

NANCY A. BERRYHILL,

Defendant(s).

Case No. 2:17-CV-2092 JCM (NJK)

ORDER

Presently before the court is Magistrate Judge Koppe's report and recommendation ("R&R") in the matter of Smith v. Berryhill, case number 2:17-cv-02092-JCM-NJK. (ECF No. 25). No objections have been filed, and the deadline for doing so has passed.

Upon considering plaintiff's motion to remand to the Social Security Administration (ECF No. 19) and the commissioner's counter motion to affirm (ECF No. 22), Magistrate Judge Koppe concluded that the administrative law judge ("ALJ") did not err in partially rejecting plaintiff's pain and symptom testimony. (ECF No. 25 at 7, 14). Because the ALJ's rejection of plaintiff's testimony is the single issue on appeal before the court, Magistrate Judge Koppe recommended plaintiff's motion to remand be denied, and the commissioner's counter motion to affirm be granted. *Id.* at 14.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

