

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3  
4 Rene R. Oblitas,  
5 Plaintiff  
6 v.  
7 Nancy A. Berryhill, Acting Commissioner of  
8 Social Security,  
9 Defendant

Case No.: 2:17-cv-02420-JAD-VCF

**Order Adopting Report and  
Recommendation, Granting Motion for  
Remand, and Denying Cross Motion to  
Affirm**

[ECF Nos. 17, 20]

10 Counseled plaintiff Rene R. Oblitas was denied social security disability benefits.<sup>1</sup> His  
11 request for reconsideration was denied. After a de novo hearing, an administrative law judge  
12 found that Oblitas suffered from multiple physical impairments but was not disabled during the  
13 relevant timeframe and denied him benefits.<sup>2</sup> Oblitas moves to reverse or remand this case to the  
14 Social Security Administration for further proceedings,<sup>3</sup> and the Commissioner cross moves to  
15 affirm the administrative law judge’s decision.<sup>4</sup>

16 Magistrate Judge Cam Ferenbach reviewed the parties’ motions and recommends that I  
17 grant Oblitas’s motion to reverse or remand, deny the Commissioner’s cross motion to affirm,  
18 and remand this case to the Social Security Administration for a calculation of benefits.<sup>5</sup> Judge  
19 Ferenbach issued his report and recommendation on July 17, 2018, making July 31, 2018, the  
20 deadline to file objections. That deadline has expired and no objections have been filed. “[N]o  
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24 <sup>1</sup> ECF No. 4.

25 <sup>2</sup> *Id.*

26 <sup>3</sup> ECF No. 17.


27 <sup>4</sup> ECF No. 20.

28 <sup>5</sup> ECF No. 22.

1 review is required of a magistrate judge's report and recommendation unless objections are  
2 filed."<sup>6</sup>

3 Accordingly, IT IS HEREBY ORDERED that Magistrate Judge Ferenbach's report and  
4 recommendation [ECF No. 22] is **ACCEPTED and ADOPTED**. Oblitas's motion to reverse or  
5 remand [ECF No. 17] is **GRANTED**, the Commissioner's cross motion to affirm [ECF No. 20]  
6 is **DENIED**, and this case is **REMANDED to the Social Security Administration for a**  
7 **calculation of benefits**. The Clerk of Court is directed to **ENTER JUDGMENT accordingly**  
8 and **CLOSE THIS CASE**.

9 Dated: August 2, 2018

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12 U.S. District Judge Jennifer A. Dorsey  
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28 <sup>6</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).