1         2         3         4       UNITED STATES DISTRICT COURT         5       DISTRICT OF NEVADA         6       ***         7       CHRISTOPHER VANGEMERT,       Case No. 2:18-CV-657 JCM (NJK)         8       Plaintiff(s),       ORDER         9       v.       NANCY A. BERRYHILL,       ORDER         11       Defendant(s).       Presently before the court is Magistrate Judge Nancy J. Koppe's report recommendation (ECF No. 24) in the matter of Vangemert v. Berryhill, case number 2:1         13       Presently before have been filed and the deadling for doing so has passed	
<ul> <li>3</li> <li>4</li> <li>4</li> <li>4</li> <li>4</li> <li>4</li> <li>4</li> <li>4</li> <li>4</li> <li>4</li> <li>5</li> <li>5</li> <li>6</li> <li>5</li> <li>6</li> <li>5</li> <li>7</li> <li>6</li> <li>7</li> <li>7</li> <li>7</li> <li>8</li> <li>9</li> <li>10</li> <li>12</li> <li>14</li> <li>14</li> <li>14</li> <li>15</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>14</li> <li>15</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>15</li> <li>16</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>15</li> <li>16</li> <li>16</li> <li>17</li> <li>18</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>10</li> <li>11</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>14</li> <li>15</li> <li>16</li> <li></li></ul>	
<ul> <li>4 UNITED STATES DISTRICT COURT</li> <li>5 DISTRICT OF NEVADA</li> <li>6 ***</li> <li>7 CHRISTOPHER VANGEMERT, Case No. 2:18-CV-657 JCM (NJK)</li> <li>8 Plaintiff(s), ORDER</li> <li>9 v.</li> <li>10 NANCY A. BERRYHILL,</li> <li>11 Defendant(s).</li> <li>12</li> <li>13 Presently before the court is Magistrate Judge Nancy J. Koppe's report</li> <li>14 recommendation (ECF No. 24) in the matter of Vangemert v. Berryhill, case number 2:1</li> </ul>	
5       DISTRICT OF NEVADA         6       ***         7       CHRISTOPHER VANGEMERT,       Case No. 2:18-CV-657 JCM (NJK)         8       Plaintiff(s),       ORDER         9       v.       0         10       NANCY A. BERRYHILL,       Defendant(s).         12       13       Presently before the court is Magistrate Judge Nancy J. Koppe's report         14       recommendation (ECF No. 24) in the matter of Vangemert v. Berryhill, case number 2:1	
<ul> <li>6</li> <li>***</li> <li>7</li> <li>7</li> <li>7</li> <li>7</li> <li>7</li> <li>7</li> <li>8</li> <li>9</li> <li>9</li> <li>v.</li> <li>10</li> <li>10</li> <li>12</li> <li>12</li> <li>13</li> <li>14</li> <li>15</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>13</li> <li>14</li> <li>15</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>13</li> <li>14</li> <li>15</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>15</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>15</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>18</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>15</li> <li>15</li> <li>16</li> <li>16</li> <li>17</li> <li>18</li> <li>18</li> <li>19</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>15</li> <li>15</li> <li>16</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>15</li> <li>15</li> <li>16</li> <li>16</li> <li>16</li> <li>17</li> <li>18</li> <li>18</li> <li>19</li> <li>19</li> <li>19</li> <li>10</li> <li>10</li> <li>10</li> <li>11</li> <li>12</li> <li>12</li> <li>14</li> <li>15</li> <li>16</li> <li>16</li> <li>17</li> <li>18</li> <li>18</li> <li>19</li> <li>19</li> <li>19</li> <li>10</li> <li>10<td></td></li></ul>	
<ul> <li>CHRISTOPHER VANGEMERT,</li> <li>Case No. 2:18-CV-657 JCM (NJK)</li> <li>Plaintiff(s),</li> <li>ORDER</li> <li>v.</li> <li>NANCY A. BERRYHILL,</li> <li>Defendant(s).</li> <li>Presently before the court is Magistrate Judge Nancy J. Koppe's report</li> <li>recommendation (ECF No. 24) in the matter of Vangemert v. Berryhill, case number 2:1</li> </ul>	
<ul> <li>Plaintiff(s),</li> <li>NANCY A. BERRYHILL,</li> <li>Defendant(s).</li> <li>Presently before the court is Magistrate Judge Nancy J. Koppe's report</li> <li>recommendation (ECF No. 24) in the matter of Vangemert v. Berryhill, case number 2:1</li> </ul>	
<ul> <li>9 v.</li> <li>10 NANCY A. BERRYHILL,</li> <li>11 Defendant(s).</li> <li>12</li> <li>13 Presently before the court is Magistrate Judge Nancy J. Koppe's report</li> <li>14 recommendation (ECF No. 24) in the matter of Vangemert v. Berryhill, case number 2:1</li> </ul>	
<ul> <li>NANCY A. BERRYHILL,</li> <li>Defendant(s).</li> <li>Presently before the court is Magistrate Judge Nancy J. Koppe's report</li> <li>recommendation (ECF No. 24) in the matter of Vangemert v. Berryhill, case number 2:1</li> </ul>	
11       Defendant(s).         12       13         13       Presently before the court is Magistrate Judge Nancy J. Koppe's report         14       recommendation (ECF No. 24) in the matter of Vangemert v. Berryhill, case number 2:1	
12 13 Presently before the court is Magistrate Judge Nancy J. Koppe's report 14 recommendation (ECF No. 24) in the matter of Vangemert v. Berryhill, case number 2:1	
<ul> <li>Presently before the court is Magistrate Judge Nancy J. Koppe's report</li> <li>recommendation (ECF No. 24) in the matter of Vangemert v. Berryhill, case number 2:1</li> </ul>	
recommendation (ECF No. 24) in the matter of Vangemert v. Berryhill, case number 2:1	
recommendation (ECF No. 24) in the matter of varigement v. Berrynni, case number 2.1	and
15 00657 ICM NIK. No objections have been filed and the deadline for doing as has record	3-cv-
<sup>15</sup> 00657-JCM-NJK. No objections have been filed, and the deadline for doing so has passed.	
16 Magistrate Judge Koppe notes that the administrative law judge ("ALJ") impro	berly
<sup>17</sup> denied appellant Christopher Vangemert's application for disability benefits. (ECF No. 24).	The
<sup>18</sup> magistrate judge explains in her report and recommendation that experts opined that Vange	mert
<sup>19</sup> could carry out two-step instructions. Id. The ALJ rejected these opinions and adop	ed a
<sup>20</sup> "simple, repetitive tasks" residual functional capacity limitation. Id. Because the ALJ di	l not
<sup>21</sup> provide any explanation or refer to substantial evidence in support of this rejection	the
<sup>22</sup> magistrate judge recommends remanding this case for further proceedings. Id.	
This court "may accept, reject, or modify, in whole or in part, the finding	s or
recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely ob	,
<ul> <li>to a magistrate judge's report and recommendation, then the court is required to "make a de</li> <li>determination of those portions of the [report and recommendation] to which objection is make a de</li> </ul>	10V0

determination of those portions of the [report and recommendation] to which objection is made."

28

27

28 U.S.C. § 636(b)(1).

1	Where a party fails to object, however, the court is not required to conduct "any review at
2	all of any issue that is not the subject of an objection." Thomas v. Arn, 474 U.S. 140, 149
3	(1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
4	magistrate judge's report and recommendation where no objections have been filed. See United
5	States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
6	employed by the district court when reviewing a report and recommendation to which no
7	objections were made).
8	Nevertheless, this court conducted a de novo review to determine whether to adopt the
9	recommendation of the magistrate judge. Upon reviewing the recommendation and underlying
10	briefs, this court finds good cause appears to adopt the magistrate judge's findings in full.
11	Accordingly,
12	IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge
13	Koppe's report and recommendation (ECF No. 24) be, and the same hereby is, ADOPTED in its
14	entirety.
15	IT IS FURTHER ORDERED that Vangemert's motion to remand (ECF No. 15) be, and
16	the same hereby is, GRANTED.
17	IT IS FURTHER ORDERED that the social security commissioner's motion to affirm the
18	agency decision (ECF No. 22) be, and the same hereby is, DENIED.
19	IT IS FURTHER ORDERED that the matter of Vangemert v. Berryhill, case number
20	2:18-cv-00657-JCM-NJK be, and the same hereby is, REMANDED.
21	The clerk shall enter judgment accordingly and close the case.
22	DATED June 25, 2019.
23	Xerres C. Mahan
24	UNITED STATES DISTRICT JUDGE
25	
26	
27	
28	
ahan	

James C. Mahan U.S. District Judge