

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CORNITA M. APACHITO,**

**Plaintiff,**

v.

**No. 17-cv-0504 JCH/SMV**

**NANCY A. BERRYHILL,  
Acting Commissioner of Social Security Administration,**

**Defendant.**


**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition ("PF&RD") [Doc. 22], filed on January 10, 2018. On reference by the undersigned, [Doc. 19], the Honorable Stephan M. Vidmar, United States Magistrate Judge, recommended denying Defendant's Motion to Dismiss. No party has filed objections to the PF&RD, and the time for doing so has passed.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 22] are **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss [Doc. 12] is **DENIED**. Unless the parties agree on a different time period, Defendant's responsive pleading is due within **14 days**. *See* Fed. R. Civ. P. 12(a)(4)(a).

**IT IS SO ORDERED.**

  
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**JUDITH C. HERRERA**  
United States District Judge