## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA SOUTHEASTERN DIVISION

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) Case No. 3:09-cv-26
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ORDER ADOPTING REPORT AND
) RECOMMENDATIONS
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Plaintiff Alberto Garcia ("Garcia") initiated this action seeking judicial review of the final decision of the Commissioner of Social Security ("Commissioner"). The Commissioner denied Garcia's application for disability insurance benefits and supplemental security income. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Garcia's motion for "sentence four" reversal and remand be denied; that Garcia's motion for summary judgment be denied; and that the Commissioner's motion for summary judgment be granted (Doc. #31). No party has filed objections within the time prescribed by Fed. R. Civ. P. 72(b)(2) and Local Rule 72.1(D)(3).

The Court has reviewed the Report and Recommendation, along with the entire file, and agrees with the Magistrate Judge's analysis and recommendations. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Garcia's motion for "sentence four" reversal and remand (Doc. #11) is **DENIED**; Garcia's motion for summary judgment (Doc. #19) is **DENIED**; and the Commissioner's motion for

summary judgment (Doc. #25) is **GRANTED**, and the decision of the Commissioner is **AFFIRMED**.

## IT IS SO ORDERED.

## LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 17th day of September, 2010.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court