

United States District Court
Southern District of Texas

ENTERED

August 30, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

DEMETRIO R. FIGUEROA,

Plaintiff,

VS.

MARTIN O'MALLEY,

Defendant.

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CIVIL ACTION NO. 1:23-CV-090

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Demetrio R. Figueroa filed a Complaint seeking review of the Commissioner of the Social Security Administration’s decision to deny him disability benefits based on an Administrative Law Judge’s findings. After the development of the administrative transcript record, a United States Magistrate Judge ordered dispositive briefing from the parties, which they submitted. (Order, Doc. 6; Figueroa’s Memorandum, Doc. 8; SSA Response, Doc. 13)

Based on the record and the applicable law, the Magistrate Judge recommends that the Court reverse the final decision of the Commissioner and remand the matter for further administrative proceedings. (R&R, Doc. 14)

No party filed objections to the Report and Recommendation, and the Court finds no clear error within it. *See* FED. R. CIV. P. 72(b), Advisory Comm. Note (1983) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

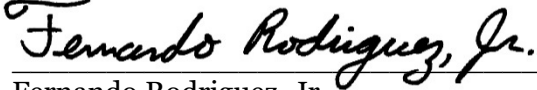
As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 14). It is:

ORDERED that the final decision of the Commissioner of the Social Security Administration is **REVERSED**.

To the extent that Figueroa believes he is entitled to attorneys’ fees under 28 U.S.C. § 2412, he shall file a motion for such fees by no later than September 13, 2024.

Upon resolution of any issue regarding an award of attorneys' fees, the Court will issue an Order of Remand consistent with this Order and the adopted Report and Recommendation.

Signed on August 30, 2024.



Fernando Rodriguez, Jr.
United States District Judge