

United States District Court  
Southern District of Texas

**ENTERED**

September 15, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

REFUGIA G BARRERA,

Plaintiff,

VS.

CAROLYN W. COLVIN,

Defendant.

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CIVIL ACTION NO. 2:17-CV-014

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

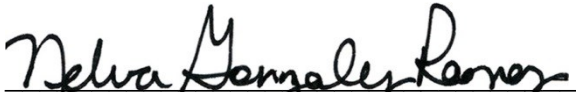
On August 15, 2017, United States Magistrate Judge B. Janice Ellington issued her Memorandum and Recommendation (D.E. 11). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 11), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Plaintiff's Motion for

Summary Judgment (D.E. 8, 9) is **GRANTED**. The Commissioner's determination that plaintiff is not disabled is not supported by substantial evidence and is VACATED. Plaintiff's action is REMANDED to the Social Security Administration so that a proper assessment can be made of the treating physician's opinion, Plaintiff's subjective complaints, and Plaintiff's RFC to do work.

ORDERED this 15th day of September, 2017.

  
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NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE