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United States District Court Southern District of Texas

## **ENTERED**

September 25, 2018 David J. Bradley, Clerk

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

ELIZABETH J. MARCHI

Plaintiff.

VS.

VS.

CIVIL ACTION NO. 3:17–CV–00360

NANCY A. BERRYHILL, ACTING
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION

Defendant.

Defendant.

## ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

On April 24, 2018, this case was referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1). Dkt. 6. On September 4, 2018, Judge Edison filed a Memorandum and Recommendation (Dkt. 11) recommending that Elizabeth J. Marchi's Motion for Summary Judgment (Dkt. 8) be DENIED; Nancy A. Berryhill, Acting Commissioner of the Social Security Administration's Motion for Summary Judgment (Dkt. 9) be GRANTED; and the decision of the Administrative Law Judge be AFFIRMED.

No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 11) be **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) Elizabeth J. Marchi's Motion for Summary Judgment (Dkt. 8) be **GRANTED**;
- (3) Nancy A. Berryhill, Acting Commissioner of the Social Security Administration's Motion for Summary Judgment (Dkt. 9) be **DENIED**; and
- (4) The decision of the Administrative Law Judge be **AFFIRMED**.

It is so **ORDERED**.

**ORDERED AND ADJUDGED** that:

SIGNED at Galveston, Texas, this 25th day of September, 2018.

George C. Hanks Jr.

United States District Judge