

United States District Court
Southern District of Texas

ENTERED

December 04, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

YOLANDA RAMIREZ
Plaintiff

§
§

VS.

§
§

CIVIL ACTION NO. 7:15-CV-352

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

§
§
§

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff's action pursuant to 42 U.S.C. § 405(g), which motion had been referred to the Magistrate Court for a report and recommendation. On October 26, 2017, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's request for relief be denied, and that the Commissioner's final decision to deny benefits be affirmed. The time for filing objections has passed, and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Plaintiff's request for relief is **DENIED**, and the Commissioner's final decision to deny benefits is **AFFIRMED**.

¹As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United Services Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)(quoting Fed. R. Civ. P.72(b) advisory committee's note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in ACS Recovery Servs., Inc v. Griffin*, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. April 2, 2012).

SO ORDERED this 4th day of December, 2017, at McAllen, Texas.

A handwritten signature in black ink that reads "Randy Crane". The signature is written in a cursive style with a horizontal line underneath it.

Randy Crane
United States District Judge