

United States District Court  
Southern District of Texas

**ENTERED**

October 24, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

JAMES E. FITZGERALD,

Plaintiff,

VS.

MARTIN O'MALLEY, Commissioner of the  
Social Security Administration,

Defendant.

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CIVIL ACTION NO. 7:23-CV-209

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court is Plaintiff's action pursuant to 42 U.S.C. § 405(g), which action has been referred to the Magistrate Judge for report and recommendation. On September 30, 2024, the Magistrate Judge issued the Report and Recommendation (Dkt. Entry No. 18), recommending that Plaintiff's Complaint (Dkt. No. 1) be denied, that the final decision of the Commissioner be affirmed, and that this civil action be dismissed. Neither party timely filed objections to the Report and Recommendation.

Pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, the Court has reviewed the Report and Recommendation for clear error. After appropriate review, the Court adopts the Report and Recommendation (Dkt. Entry No. 18) in its entirety. Accordingly, it is hereby **ORDERED** that Plaintiff's Complaint (Dkt. No. 1) is **DENIED**, that the final decision of the Commissioner is **AFFIRMED**, and that this civil action is **DISMISSED**.

SO ORDERED October 24, 2024, at McAllen, Texas.

  
Randy Crane  
Chief United States District Judge