

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

ZOROASTRO R.,

*Plaintiff,*

v.

COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,<sup>1</sup>

*Defendant.*

§  
§  
§  
§  
§  
§  
§  
§  
§

EP-22-CV-00353-DCG-LS

**ORDER ACCEPTING REPORT AND RECOMMENDATION  
AND AFFIRMING COMMISSIONER’S DECISION**

On February 20, 2024, U.S. Magistrate<sup>2</sup> Judge Leon Schydlower issued a Report and Recommendation advising the Court to affirm the Commissioner’s decision to deny Plaintiff’s application for disability insurance benefits and supplemental security income.<sup>3</sup>

Plaintiff had until March 5, 2024 to object to Judge Schydlower’s Report and Recommendation.<sup>4</sup> Plaintiff didn’t file any objections by the deadline. Thus, rather than reviewing the Report and Recommendation *de novo*, the Court will review it solely to determine whether it’s clearly erroneous or contrary to law.<sup>5</sup>

---

<sup>1</sup> Hereinafter “Commissioner.”

<sup>2</sup> After Judge Schydlower issued the Report and Recommendation that is the subject of this Order, the Senate confirmed his nomination to become a U.S. District Judge.

<sup>3</sup> R. & R., ECF No. 16.

<sup>4</sup> See W.D. TEX. L.R. APP’X C, RULE 4(b) (“Any party may object to a magistrate judge’s proposed findings, recommendations or report . . . within 14 days after being served with a copy thereof.”); see also 28 U.S.C. § 636(b)(1) (similar).

<sup>5</sup> See, e.g., *Magdalena Garcia v. Sessions*, No. 1:18-CV-59, 2018 WL 6732889, at \*1 (S.D. Tex. Nov. 7, 2018) (“Where no party objects to the Magistrate Judge’s Report and Recommendation, the Court is not required to perform a *de novo* review of the Magistrate Judge’s determination, but need only review it to decide whether the Report and Recommendation is clearly erroneous or contrary to law.”).

The Court has carefully reviewed the Report and Recommendation and determined that it's neither clearly erroneous nor contrary to law.

The Court therefore **ACCEPTS** the "Report and Recommendation of the Magistrate Judge" (ECF No. 16) in its entirety and **AFFIRMS** the Commissioner's decision.

The Court shall issue a final judgment separately.

**So ORDERED and SIGNED this 27th day of March 2024.**

A handwritten signature in black ink, appearing to read "David C. Guaderrama", written in a cursive style. The signature is positioned above a horizontal line.

**DAVID C. GUADERRAMA**  
**SENIOR U.S. DISTRICT JUDGE**