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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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JERRY J. ROMRELL,  
Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,  
Defendant.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 2:15-cv-00255-RJS

Judge Robert J. Shelby

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Plaintiff Jerry J. Romrell filed his Complaint on April 14, 2015, seeking review of the Acting Commissioner of the Social Security Administration's decision denying his application for Disability Insurance Benefits.<sup>1</sup> The case was then referred to Magistrate Judge Dustin B. Pead pursuant to 28 U.S.C. § 636(b)(1)(B).<sup>2</sup>

Judge Pead issued a Report and Recommendation on March 8, 2016.<sup>3</sup> Judge Pead recommended that the court affirm the Commissioner's decision because there is substantial evidence in the record supporting the Administrative Law Judge's determination that there is work existing in significant numbers in the national economy that Mr. Romrell can perform given his age, background, and work-related functional limitations.<sup>4</sup>

Under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), a party has fourteen days from receipt of a Report and Recommendation in which to file an objection.

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<sup>1</sup> Dkt. 2.

<sup>2</sup> Dkt. 13.

<sup>3</sup> Dkt. 38.

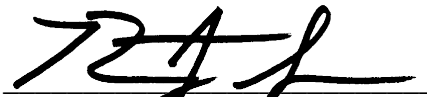
<sup>4</sup> *Id.*

Neither party has done so. In the absence of an objection, the court may apply a clearly erroneous standard of review.<sup>5</sup> Under this deferential standard, the court will affirm a Magistrate Judge's ruling unless the court "is left with the definite and firm conviction that a mistake has been committed."<sup>6</sup>

After carefully reviewing the briefing, record, and relevant legal authorities, the court concludes that Judge Pead did not clearly err in analyzing Mr. Romrell's appeal. The court therefore ADOPTS the Recommendation and AFFIRMS the Commissioner's decision. The Clerk of Court is directed to close the case.

SO ORDERED this 29th day of March, 2016.

BY THE COURT:



ROBERT J. SHELBY  
United States District Judge

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<sup>5</sup> *Thompson v. Astrue*, 2010 WL 1944779, at \*1 (D. Utah May 11, 2010) (citing 28 U.S.C. § 636(b)(1)).

<sup>6</sup> *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).