

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Mar 06, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MARK A. NEWKIRK,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

NO: 2:16-CV-410-RMP

ORDER ADOPTING REPORT AND  
RECOMMENDATION

**BEFORE THE COURT** is United States Magistrate Judge Rodgers' February 15, 2018 Report and Recommendation, ECF No. 24, to grant in part Plaintiff Mark Newkirk's Motion for Summary Judgment, ECF No. 17, and deny Defendant Commissioner of Social Security's Motion for Summary Judgment, ECF No. 22. Objections were due on or before March 1, 2018, and neither party objected to the Report and Recommendation.

Having reviewed the February 15, 2018 Report and Recommendation and there being no objections, the Court **ADOPTS** Judge Rodgers' Report and Recommendation, **ECF No. 24**, in its entirety.

ORDER ADOPTING REPORT AND RECOMMENDATION ~ 1

1 Accordingly, **IT IS HEREBY ORDERED:**

- 2 1. Plaintiff's Motion for Summary Judgment, **ECF No. 17**, is  
3 **GRANTED IN PART**. Consistent with the analysis of the Report  
4 and Recommendation, the Court denies Plaintiff's request for an  
5 immediate award of benefits.
- 6 2. Defendant's Motion for Summary Judgment, **ECF No. 22**, is  
7 **DENIED**.
- 8 3. The matter is **REMANDED** to the Commissioner for additional  
9 proceedings consistent with this Order and the adopted Report and  
10 Recommendation, ECF No. 24.
- 11 4. Judgment shall be entered for Plaintiff.

12 The District Court Clerk is directed to enter this Order, enter judgment as  
13 outlined above, provide copies to counsel, and **close the case**.

14 **DATED** March 6, 2018.

15  
16 *s/ Rosanna Malouf Peterson*  
17 ROSANNA MALOUF PETERSON  
18 United States District Judge  
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