

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

Mar 13, 2018

SEAN F. MCAVOY, CLERK

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3 **UNITED STATES DISTRICT COURT**  
4 **EASTERN DISTRICT OF WASHINGTON**

5 JAMES MICHAEL GARDNER,

6 Plaintiff,

7 vs.

8 COMMISSIONER OF SOCIAL

9 SECURITY,

10 Defendant.

No. 2:16-CV-00424-FVS

ORDER ADOPTING REPORT AND  
RECOMMENDATION TO DENY  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AND  
GRANT DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT

ECF Nos. 13, 14, 16

11 **BEFORE THE COURT** is the Report and Recommendation issued by  
12 Magistrate Judge Mary K. Dimke on February 23, 2018, ECF No. 16,  
13 recommending Plaintiff's Motion for Summary Judgment, ECF No. 13, be denied  
14 and Defendant's Motion for Summary Judgment, ECF No. 14, be granted. No  
15 objection was filed. After review, the Court hereby adopts the Report and  
16 Recommendation in its entirety. Accordingly, **IT IS ORDERED:**

- 17
- 18 1. The Report and Recommendation, **ECF No. 16**, is **ADOPTED** in its  
19 entirety.
  - 20 2. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is **DENIED**.

ORDER ADOPTING REPORT AND RECOMMENDATION ~ 1

