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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAVID N. YBARRA,

Plaintiff,

vs.

NANCY A. BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

No. 4:16-CV-05012-FVS

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

BEFORE THE COURT is the Report and Recommendation issued by Magistrate Judge Mary K. Dimke on June 7, 2017, ECF No. 19, recommending Plaintiff's Motion for Summary Judgment, ECF No. 13, be denied and Defendant's Motion for Summary Judgment, ECF No. 25, be granted. No objection was filed. After review, the Court hereby adopts the Report and Recommendation in its entirety. Accordingly, **IT IS ORDERED:**

1. The Report and Recommendation, **ECF No. 19**, is **ADOPTED** in its entirety.

1 2. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is **DENIED**.

2 3. Defendant's Motion for Summary Judgment, **ECF No. 15**, is
3 **GRANTED**.

4 The District Court Executive is directed to file this Order and forward copies
5 to counsel. Judgment shall be entered for Defendant and the file shall be

6 **CLOSED**.

7 DATED July 10, 2017.

8 *s/Fred Van Sickle*
9 Fred Van Sickle
Senior United States District Judge