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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CASEY A. FOSTER

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security

Defendant.

CASE NO. C11-6070 RJB

ORDER ADOPTING REPORT AND  
RECOMMENDATION AFFIRMING  
COMMISSIONER'S DECISION  
DENYING BENEFITS

This matter comes before the Court on the Report and Recommendation of the U.S. Magistrate Judge Karen L. Strombom, recommending that the Court affirm the decision of the Social Security Administration that denied Plaintiff's application for disability insurance benefits. Dkt. 18. The Plaintiff has not filed objections to the Report and Recommendation.

The Court must uphold a decision of Defendant based on substantial evidence and free of legal error. *Burch v. Barnhart*, 400 F.3d 676, 679 (9th Cir. 2005); 42 U.S.C. § 405(g). The Court need only make a de novo determination of the portions of Magistrate Judge Strombom's Report and Recommendation to which Plaintiff makes objections. 28 U.S.C. § 636(b)(1).

1 The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of  
2 Judge Karen L. Strombom, United States Magistrate Judge, and the remaining record, does  
3 hereby find and **ORDER**:

- 4 1. The Court adopts the Report and Recommendation;
- 5 2. The administrative decision is **AFFIRMED**;
- 6 3. The Clerk is directed to send copies of this Order to Plaintiff's counsel,  
7 Defendant's counsel and Magistrate Judge Karen L. Strombom.

8 Dated this 19<sup>th</sup> day of November, 2012.

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11 ROBERT J. BRYAN  
United States District Judge