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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 TIMOTHY RICHARD NELSON,

10 Plaintiff,

11 v.

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

13 Defendant.
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CASE NO. C12-5540 RJB

ORDER ADOPTING REPORT AND
RECOMMENDATION AFFIRMING
THE COMMISSIONER

15 This matter comes before the Court on the Report and Recommendation of the U.S.
16 Magistrate Judge J. Richard Creatura, recommending that the Court affirm the decision of the
17 Social Security Administration that denied Plaintiff's application for disability insurance
18 benefits. Dkt. 19. The Plaintiff has not filed objections to the Report and Recommendation.

19 The Court must uphold a decision of Defendant based on substantial evidence and free of
20 legal error. *Burch v. Barnhart*, 400 F.3d 676, 679 (9th Cir. 2005); 42 U.S.C. § 405(g). The
21 Court need only make a de novo determination of the portions of Magistrate Judge Creatura's
22 Report and Recommendation to which Plaintiff makes objections. 28 U.S.C. § 636(b)(1).
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1 The Court, having reviewed Plaintiff's Complaint, the Report and Recommendation of
2 Judge J. Richard Creatura, United States Magistrate Judge, and the remaining record, does
3 hereby find and **ORDER**:

- 4 (1) The Court adopts the Report and Recommendation (Dkt. 19).
5 (2) The administrative decision is **AFFIRMED**.
6 (3) The Clerk is directed to enter **JUDGMENT** for Defendant and the case should be
7 closed.
8 (4) The Clerk is directed to send copies of this Order to counsel of record.

9 Dated this 3rd day of February, 2014.

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12 ROBERT J. BRYAN
13 United States District Judge
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