

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 CINDY JO JOHNSON,

9 Plaintiff,

10 v.

11 CAROLYN COLVIN, Acting
12 Commissioner of the Social Security
13 Administration,

14 Defendant.

CASE NO. C13-5965 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

14 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 24), and Plaintiff Cindy Jo Johnson’s (“Johnson”) objections to the R&R (Dkt. 25).

17 On June 27, 2014, Judge Creatura issued the R&R recommending that the Court uphold the Administrative Law Judge’s (“ALJ”) determination that Johnson was not disabled. Dkt. 24. On July 11, 2014, Johnson filed objections. Dkt. 25. On July 25, 2014, the Government responded. Dkt. 26. On July 31, 2014, Johnson replied. Dkt. 27

21 The district judge must determine de novo any part of the magistrate judge’s
22 disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 In this case, Johnson objects to Judge Creatura's findings that (1) the ALJ's
4 rejection of Dr. James Powell's opinion was supported by a specific and legitimate reason
5 supported by substantial evidence in the record and (2) the Court had previously
6 determined that the ALJ properly rejected the opinion of Dr. George Mecouch. Dkt. 25.
7 The Court disagrees with Johnson's objections. The ALJ's original reasons as well as the
8 additional reasons given on remand were specific and legitimate and are supported by
9 substantial evidence in the record. Moreover, the Court's prior order regarding Dr.
10 Mecouch need not be revisited.

11 Therefore, the Court having considered the R&R, Johnson's objections, and the
12 remaining record, does hereby find and order as follows:

- 13 (1) The R&R is **ADOPTED**;
- 14 (2) The ALJ's decision is **AFFIRMED**; and
- 15 (3) This action is **DISMISSED**.

16 Dated this 2nd day of September, 2014.

17
18 

19 BENJAMIN H. SETTLE
20 United States District Judge
21
22