

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Nicole Romancho v. Commissioner of Social Security Administration

No. CV-25-120-TUC-JAS (LCK) · No. No. CV-25-120-TUC-JAS (LCK) · Decided January 6, 2026

SUMMARY

The United States District Court for the District of Arizona adopted the magistrate judge's Report and Recommendation because no objections were filed and the recommendations were not clearly erroneous. The court remanded the case to the administrative law judge for a new hearing and further proceedings, directed entry of judgment, and closed the case.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	James A. Soto
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 6, 2026
DOCKET	No. CV-25-120-TUC-JAS (LCK)
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation in a Social Security case after the objection period expired.
STANDARD OF REVIEW	The court reviewed the unobjected-to Report and Recommendation for clear error under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72.
PRECEDENTIAL VALUE	Unknown
PARTIES	Nicole Romancho v. Commissioner of Social Security Administration

TOPICS

- judicial review of agency action
- administrative law
- civil procedure
- remedies

PRACTICE AREAS

- Social Security
- administrative law
- civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when no timely objections were filed.
2. Whether the case should be remanded to the ALJ for a new hearing and further proceedings.

HOLDINGS

1. When the parties do not timely object to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error and will not consider objections or new evidence filed after the objection period has expired.
2. The case must be remanded to the ALJ for a new hearing and further proceedings.

KEY QUOTATIONS

“As such, the Court will not consider any objections or new evidence.” (Order at 1)

“This case is remanded to the ALJ for a new hearing and further proceedings;” (Order at 1)

FACTUAL BACKGROUND

The opinion contains no substantive facts concerning Romancho's Social Security claim or the underlying administrative record. The material procedural facts are that a magistrate judge issued a Report and Recommendation and that neither party filed timely objections.

PROCEDURAL HISTORY

Magistrate Judge Kimmins issued a Report and Recommendation. Neither party filed objections within the applicable period. The district court reviewed the record, adopted the recommendation, remanded the matter to the ALJ for a new hearing and further proceedings, and directed the Clerk to enter judgment and close the case.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand the case to the ALJ for a new hearing and further proceedings.

CASES CITED

- Johnson v. Zema Systems Corp., 170 F.3d 734, 739 (7th Cir. 1999)
- Conley v. Crabtree, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998)

OPINION

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF ARIZONA 3 4
Nicole Romancho, No. CV-25-120-TUC-JAS (LCK) 5 Plaintiff, ORDER 6 Vv. 7 Commissioner
of — Social Security Administration, 9 Defendant. 10 Pending before the Court is a Report and

Recommendation issued by United States Magistrate Judge Kimmins. A review of the record reflects that the parties have not filed 12 any objections to the Report and Recommendation and the time to file objections has IS expired.

As such, the Court will not consider any objections or new evidence. M4 The Court has reviewed the record and concludes that Magistrate Judge Kimmins' 15 recommendations are not clearly erroneous. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; '6 Johnson v. Zema Systems Corp., 170 F.3d 734, 739 (7th Cir. 1999); Conley v. Crabtree, 14 F. Supp. 2d 1203, 1204 (D.

Or. 1998). 18 Accordingly, IT IS HEREBY ORDERED as follows: 9 (1) Magistrate Judge Kimmins' Report and Recommendation (Doc. 27) is accepted and 20 adopted. 2! (2) This case is remanded to the ALJ for a new hearing and further proceedings; the 22 Clerk of the Court shall enter judgment and close the file in this case. 23 Dated this 5th day of January, 2026. 24 25 26 _ \
□ >A 97 Honorable James A. Soto 38 United States District Judge