

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Paeng See v. Commissioner of Social Security

No. 1:24-cv-01516-JLT-GSA (E.D. Cal. Jan. 16, 2026) · No. 1:24-cv-01516 JLT GSA · Decided January 16,
2026

OPINION

Paeng See v. Commissioner of Social Security

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 PAENG SEE,) Case No.: 1:24-cv-01516 JLT GSA) 12 Plaintiff,) ORDER ADOPTING
FINDINGS AND

) RECOMMENDATIONS, GRANTING

13 v.) PLAINTIFF’S APPEAL, DENYING THE

) COMMISSIONER’S REQUEST TO AFFIRM,

14 COMMISSIONER OF SOCIAL SECURITY,) AND REMANDING THE MATTER
PURSUANT

) TO SENTENCE FOUR OF 42 U.S.C. § 405(g)

15 Defendant.)

) ORDER DIRECTING ENTRY OF JUDGMENT

16) IN FAVOR OF PLAINTIFF AND AGAINST

) DEFENDANT

17)) (Docs. 15, 17, 20) 18) 19 Paeng See seeks judicial review of the administrative decision
denying her application for 20 supplemental security income under Title XVI of the Social
Security Act, asserting the administrative 21 law judge’s mental residual functional capacity1
determination was not supported by substantial 22 evidence. (See generally Docs. 1, 15.) The
magistrate judge found that the ALJ erred in evaluating the 23 evidence; in particular, the non-
examining assessments of State agency consultants, Drs. Bergmann- 24 Harms and Virk, which
“largely supported” the ALJ’s determinations, and the opinion of examining 25 doctor, Tania
Shertock, Ph.D, which the ALJ found “not persuasive.” (See Doc. 20 at 9-13; AR 24.) 26 The
magistrate judge further emphasized that all three medical opinions predated Plaintiff’s 27 28 1
Residual functional capacity (RFC) is “the most [one] can still do despite [his or her] limitations.”
20 C.F.R. § 416.945(a)(1). 1 || ileostomy in September 2022, a “significant development causing
Plaintiff worsening depression and 2 || pain.” (Doc. 20 at 9; see also id. at 9-13.) The magistrate
judge found remand was appropriate for the 3 || ALJ to “conduct a new hearing, issue a new

decision, develop the record as necessary, and otherwise 4 || conduct further proceedings....” (/d. at 13.) Therefore, the magistrate judge recommended the Court 5 || grant Plaintiff’s motion for summary judgment and remand the matter. (/d. at 13-14.) 6 The Court served the Findings and Recommendations on the parties and notified them that an 7 || objections were due within 14 days. (Doc. 20 at 14.) The Court also advised the parties that the “failu 8 || to file objections within the specified time may result in the waiver of rights on appeal.” □□□□□ citing 9 || *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Neither party filed objections, and the 10 || time to do so has passed. 11 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case. Havi 12 || carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported 13 || by the record and proper analysis. Thus, the Court ORDERS: 14 1. The Findings and Recommendations dated December 22, 2025 (Doc. 20) are 15 ADOPTED in full. 16 2. Plaintiff’s motion for summary judgment (Doc. 15) is GRANTED. 17 3. Defendant’s cross-motion to affirm the administrative decision (Doc. 17) is DENIED. 18 4. The matter is REMANDED for further proceedings pursuant to sentence four of 42 19 U.S.C. § 405(g), consistent with the Court’s findings. 20 5. The Clerk of Court is DIRECTED to terminate all pending motions; to enter judgment 21 in favor of Plaintiff Paeng See and against Defendant Commissioner of Social Security 22 and to close this case. 23 24 IS SO ORDERED. 25 || Dated: _ January 16, 2026 (LAW pA L. wan 26 TED STATES DISTRICT JUDGE 27 28