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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Nathan King,  
Plaintiff,  
v.  
Michael J. Astrue, Commissioner of Social Security,  
Defendant.

CV 09-520 TUC DCB(JCG)  
**ORDER**

STANDARD OF REVIEW

The duties of the district court, when reviewing a Report and Recommendation of a Magistrate Judge, are set forth in Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). The district court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Fed.R.Civ.P. 72(b), 28 U.S.C. § 636(b)(1). When the parties object to a Report and Recommendation (R&R), “[a] judge of the [district] court shall make a de novo determination of those portions of the [R&R] to which objection is made.” 28 U.S.C. § 636(b)(1); *see Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). When no objections are filed, the district court does not need to review the R&R *de novo*. *Wang v. Masaitis*, 416 F.3d 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22 (9th Cir.2003) (en banc).

Report and Recommendation

On April 13, 2010, the Honorable Jennifer C. Guerin, United States Magistrate Judge, filed a R&R in this action. The R&R advises the Court to grant the Plaintiff’s Motion to Dismiss

1 the action because the matter has been favorably resolved by the Commissioner. Accordingly,  
2 there has been no objection to the R&R.

3 The Court has reviewed the R&R and considers it to be thorough and well-reasoned; it  
4 is neither clearly erroneous nor contrary to law. *United States v. Remsing*, 874 F.2d 614, 617-  
5 618 (9th Cir. 1989). The R&R shall, therefore, be accepted pursuant to 28 U.S.C. § 636(b)(1).  
6 The Court adopts the recommendation of the Magistrate Judge.

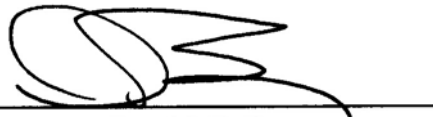
7 **Accordingly,**

8 **IT IS ORDERED** that the Report and Recommendation [Doc. # 25] is adopted as the  
9 opinion of the Court.

10 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Dismiss [Doc. # 24] is  
11 GRANTED consistent with the Report and Recommendation.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment  
13 accordingly.

14 DATED this 4<sup>th</sup> day of May, 2010.

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18 David C. Bury  
19 United States District Judge  
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