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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

DELFINA MORENO,

Plaintiff,

vs.

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

Defendant.

No. 10-cv-403-TUC-AWT (CRP)

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Plaintiff Delfina Moreno filed this action pursuant to 42 U.S.C. § 405(g) of the Social Security Act for judicial review of the final decision of the Commissioner of the Social Security Administration denying her application for disability insurance benefits and social security income. This Court referred the matter to United States Magistrate Judge Charles R. Pyle for all pretrial proceedings as well as a report and recommendation as provided by 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72, and LRCiv 72.1 and 72.2 of the Rules of Practice of the United States District Court for the District of Arizona. Doc. 12.

Magistrate Judge Pyle issued his Report and Recommendation (“R&R”) on February 11, 2013, recommending that this Court reverse the decision of the Commissioner and remand the case for an immediate award of benefits. Doc. 21 at 10. The R&R advised the parties that they may file written objections within fourteen days from the date of

1 service of a copy of the R&R. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). No
2 objections were filed.

3 Having made an independent review of the record, this Court agrees with the findings
4 of the Magistrate Judge, as set forth in his thorough and well-reasoned R&R.¹

5 Accordingly,

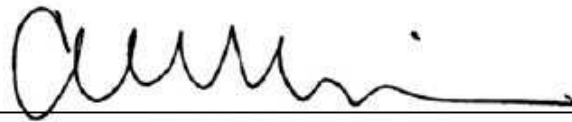
6 **IT IS HEREBY ORDERED:**

7 1. The Magistrate Judge’s R&R (Doc. 21) is **APPROVED** and **ADOPTED** as the
8 findings of fact and conclusions of law by this Court.

9 2. Plaintiff’s claim for benefits is **REMANDED** to the Administrative Law Judge with
10 instructions to issue an immediate award of benefits, in accordance with the R&R.

11 3. The Clerk shall enter judgment accordingly and close this case.

12 DATED: this 22nd day of July, 2013.

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A. Wallace Tashima
United States Circuit Judge
Sitting by Designation

24 ¹ Because no objections were filed, this Court is under no statutory obligation
25 to conduct *de novo* review of any issue in this case. *See Thomas v. Arn*, 474 U.S. 140, 149
26 (1985) (“The statute [28 U.S.C. § 636(b)(1)(C)] does not on its face require any review at all,
27 by either the district court or the court of appeals, of any issue that is not the subject of an
28 objection.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003) (en banc)
 (“A rule requiring automatic *de novo* review of findings and recommendations to which no
 one objects would not save time or judicial resources. It would do just the opposite, and
 defeat the whole purpose of referring the plea to the magistrate judge.”).