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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MARLENE C. PERRY,)	Civil No. 07cv276 L (JMA)
)	
Plaintiff,)	ORDER ADOPTING THE REPORT
)	AND RECOMMENDATION;
v.)	GRANTING IN PART AND
)	DENYING IN PART CROSS-
MICHAEL J. ASTRUE, Commissioner of)	MOTIONS FOR SUMMARY
Social Security Administration,)	JUDGMENT [doc. nos. 15, 16]
)	
Defendant.)	
_____)	

Plaintiff Marlene C. Perry, appearing through counsel, filed a civil complaint against defendant Michael J. Astrue challenging defendant’s denial of plaintiff’s claim for Social Security benefits. The parties filed cross-motions for summary judgment in this action which were referred to United States Magistrate Judge Jan M. Adler for a Report and Recommendation ("Report") pursuant to 28 U.S.C. § 636(b)(1)(B) and Civil Local Rule 72.1(c)(1)(c). The magistrate judge filed the Report [doc. #19] and set a schedule for filing objections, if any, to the Report. Objections to the Report were due on February 18, 2009. To date, neither party filed objections to the Report nor requested additional time in which to file objections.


The district court’s role in reviewing a magistrate judge’s report and recommendation is set forth in 28 U.S.C. § 636(b)(1). Under this statute, the district court “shall make a *de novo* determination of those portions of the report . . . to which objection is made,” and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate

1 judge.” *Id.* Under this statute, “the district judge must review the magistrate judge’s findings
2 and recommendations de novo *if objection is made*, but not otherwise.” *United States v. Reyna-*
3 *Tapia*, 328 F.3d 1114, 1121 (9th Cir.) (en banc), *cert. denied*, 124 S. Ct. 238 (2003).

4 Having reviewed the record, cross-motions for summary judgment, and the Report and no
5 objections having been made to the Report, **IT IS ORDERED** adopting the Report and
6 Recommendation in its entirety. **IT IS FURTHER ORDERED** granting in part and denying in
7 part plaintiff’s motion for summary judgment. [doc. #15] **IT IS FURTHER ORDERED**
8 granting in part and denying in part defendant’s motion for summary judgment. [doc. #16]. **IT**
9 **IS FURTHER ORDERED** remanding this case for further proceedings and directing the Clerk
10 of the Court to enter judgment in accordance with this Order.

11 **IT IS SO ORDERED.**

12 DATED: February 19, 2009

13 
14 M. James Lorenz
United States District Court Judge

15 COPY TO:

16 HON. JAN M. ADLER
17 UNITED STATES MAGISTRATE JUDGE

18 ALL PARTIES/COUNSEL
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