

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER COFFMAN,	
	Plaintiff,
vs.	
MICHAEL J. ASTRUE, Commissioner of Social Security,	
	Defendant.

CASE NO. 08-CV-1924 W (CAB)

**1) ADOPTS REPORT AND  
RECOMMENDATION  
WITHOUT AN OBJECTION  
(Doc. No. 22.)**

**2) GRANTS-IN-PART AND  
DENIES-IN-PART PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT (Doc. No. 16.)**

**3) DENIES DEFENDANT'S  
CROSS-MOTION FOR  
SUMMARY JUDGMENT  
(Doc. No. 18.)**

Plaintiff Christopher Coffman ("Plaintiff") brought this action pursuant to the Social Security Act, 42 U.S.C. § 405(g), to obtain judicial review of a final decision of the Commissioner of the Social Security Administration. ("Defendant") Magistrate

1 Judge Cathy Ann Bencivengo has issued a Report and Recommendation (“Report”)  
2 recommending that this Court grant-in-part and deny-in-part Plaintiff’s pending motion  
3 for summary judgment and deny Defendant’s cross-motion for summary judgment. The  
4 Report also ordered that any objections were to be filed by June 30, 2010. (*Report* at 11.)  
5 To date, no objection to that has been filed, nor has there been a request for additional  
6 time in which to file an objection.

7 A district court’s duties concerning a magistrate judge’s report and  
8 recommendation and a respondent’s objections thereto are set forth in Rule 72(b) of the  
9 Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). When no objections are  
10 filed, the district court is not required to review the magistrate judge’s report and  
11 recommendation. See United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir.  
12 2003) (holding that 28 U.S.C. 636(b)(1)(c) “makes it clear that the district judge must  
13 review the magistrate judge’s findings and recommendations de novo *if objection is made*,  
14 but not otherwise”) (emphasis in original); Schmidt v. Johnstone, 263 F. Supp. 2d 1219,  
15 1226 (D. Arizona 2003) (concluding that where no objections were filed, the District  
16 Court had no obligation to review the magistrate judge’s Report). This rule of law is  
17 well established within the Ninth Circuit and this district. See Wang v. Masaitis, 416  
18 F.3d 992, 1000 n. 13 (9th Cir. 2005) (“Of course, de novo review of a R & R is *only*  
19 required when an objection is made to the R & R.”) (emphasis added) (citing Renya-  
20 Tapia, 328 F.3d 1121); Nelson v. Giurbino, 395 F. Supp. 2d 946, 949 (S.D. Cal. 2005)  
21 (Lorenz, J.) (adopted Report without review because neither party filed objections to the  
22 Report despite the opportunity to do so, “accordingly, the Court will adopt the Report  
23 and Recommendation in its entirety.”); see also Nichols v. Logan, 355 F. Supp. 2d 1155,  
24 1157 (S.D. Cal. 2004) (Benitez, J.).

25 The Court, therefore, accepts Judge Bencivengo’s recommendation and  
26 **ADOPTS** the Report in its entirety. (Doc. No. 22.) For the reasons stated in the  
27 Report, which is incorporated herein by reference, the Court **GRANTS-IN-PART** and  
28 **DENIES-IN-PART** Plaintiff’s motion for summary judgment (Doc. No. 16) and

1 DENIES Defendant's cross-motion for summary judgment. (Doc. No. 18.) Plaintiff's  
2 case is hereby **REMANDED** to the Social Security Administration for further  
3 proceedings and a decision in accordance with the applicable law.

4

5 **IT IS SO ORDERED.**

6

DATED: July 2, 2010

7

8

  
\_\_\_\_\_  
Hon. Thomas J. Whelan  
United States District Judge

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28