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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 LARRY R. DOW,

12 Plaintiff,

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14 vs.  
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17 MICHAEL J. ASTRUE, Commissioner of  
18 Social Security,

19 Defendant.  
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CASE NO. 08CV2243-MMA (POR)

**ORDER:**

**ADOPTING REPORT AND  
RECOMMENDATION;**

[Doc. No. 17]

**DENYING PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT;**

[Doc. No. 10]

**GRANTING DEFENDANT'S  
CROSS -MOTION FOR  
SUMMARY JUDGMENT**

[Doc. No. 12]

21 Pending before the Court is the Report and Recommendation of Magistrate Judge Louisa S.  
22 Porter, filed on December 1, 2009, recommending that the Court deny Plaintiff's motion for summary  
23 judgment and grant Defendant's cross-motion for summary judgment. [Doc. No. 17]. Neither party  
24 objected to the Magistrate Judge's Report and Recommendation.

25 The duties of the district court in connection with a Magistrate Judge's R&R are set forth in  
26 Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Where the parties  
27 object to a R&R, "[a] judge of the [district] court shall make a de novo determination of those portions  
28 of the [R&R] to which objection is made." 28 U.S.C. § 636(b)(1); *see Thomas v. Arn*, 474 U.S. 140,

1 149–50 (1985). When no objections are filed, the district court need not review the R&R de novo.  
2 *Wang v. Masaitis*, 416 F.3d 992, 1000 n. 13 (9th Cir. 2005); *United States v. Reyna-Tapia*, 328 F.3d  
3 1114, 1121–22 (9th Cir. 2003) (en banc). A district court may nevertheless “accept, reject, or modify,  
4 in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. §  
5 636(b)(1); *Wilkins v. Ramirez*, 455 F. Supp. 2d 1080, 1088 (S.D. Cal. 2006); *Or. Natural Desert Ass’n*  
6 *v. Rasmussen*, 451 F. Supp. 2d 1202, 1205 (D. Or. 2006).

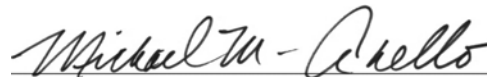
7 After reviewing the R&R in its entirety, the Court finds that the Magistrate Judge’s  
8 conclusions are thorough, well-reasoned, and supported by the record. In light of the foregoing,  
9 and that fact that neither party objected to the R&R, the Court hereby **ADOPTS** the R&R in its  
10 entirety.

11 Accordingly, **IT IS HEREBY ORDERED** that:

- 12 1. The Magistrate Judge’s Report and Recommendation (Doc. No. 17) is **ADOPTED**  
13 in its entirety;
- 14 2. Plaintiff’s Motion for Summary Judgment (Doc. No. 10) is **DENIED**; and  
15 a. Defendant’s Cross-Motion for Summary Judgment (Doc. No. 12) is **GRANTED**.

16 **IT IS SO ORDERED.**

17 DATED: January 5, 2010

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19 Hon. Michael M. Anello  
20 United States District Judge  
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