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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

RICHARD A. JORDAN,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

CASE NO. 09CV1559-MMA (WMc)

**ORDER:**

**ADOPTING REPORT AND  
RECOMMENDATION;**

[Doc. No. 14]

**GRANTING IN PART  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT;**

[Doc. No. 10]

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

[Doc. No. 12]

Pending before the Court is the Report and Recommendation of Magistrate Judge William McCurine, Jr., filed on May 4, 2010, recommending that the Court grant in part Plaintiff's motion for summary judgment (Doc. No. 10) and deny Defendant's cross-motion for summary judgment (Doc. No. 12). (Doc. No. 14.) Neither party objected to the Magistrate Judge's Report and Recommendation.

The duties of the district court in connection with a Magistrate Judge's R&R are set forth in Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Where the parties object to an 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

1 U.S. 140, 149–50 (1985). When no objections are filed, the district court need not review the R&R  
2 de novo. *Wang v. Masaitis*, 416 F.3d 992, 1000 n. 13 (9th Cir. 2005); *United States v. Reyna-Tapia*,  
3 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). A district court may nevertheless “accept, reject,  
4 or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28  
5 U.S.C. § 636(b)(1); *Wilkins v. Ramirez*, 455 F. Supp. 2d 1080, 1088 (S.D. Cal. 2006); *Or. Natural*  
6 *Desert Ass’n v. Rasmussen*, 451 F. Supp. 2d 1202, 1205 (D. Or. 2006).

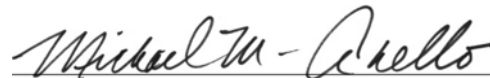
7 After reviewing the R&R in its entirety, the Court finds that the Magistrate Judge’s  
8 conclusions are thorough, well-reasoned, and supported by the record. In light of the foregoing,  
9 and that fact that neither party objected to the R&R, the Court hereby **ADOPTS** the R&R in its  
10 entirety.

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

- 12 1. The Magistrate Judge’s Report and Recommendation (Doc. No. 14) is **ADOPTED**  
13 in its entirety;
- 14 2. Plaintiff’s Motion for Summary Judgment (Doc. No. 10) is **GRANTED IN PART**;  
15 and
- 16 3. Defendant’s Cross-Motion for Summary Judgment (Doc. No. 12) is **DENIED**.
- 17 4. This matter is **REMANDED** for further development of the record. Upon remand,  
18 the Administrative Law Judge shall determine whether Plaintiff can actually  
19 perform the requirements of the positions listed in the Dictionary of Occupational  
20 Titles identified by the vocational expert, given the limitations imposed by  
21 Plaintiff’s right shoulder.

22 **IT IS SO ORDERED.**

23 DATED: July 16, 2010

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25 Hon. Michael M. Anello  
26 United States District Judge

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