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

NAZDAR R. ALZAYADIE,

Plaintiff,

vs.

MICHAEL ASTRUE,

Defendant.

CASE NO. 09-CV-1886 JLS (BLM)

**ORDER: (1) ADOPTING
MAGISTRATE JUDGE ADLER'S
R&R, (2) GRANTING IN PART
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT, (3)
DENYING DEFENDANT'S
CROSS-MOTION FOR
SUMMARY JUDGMENT, (4)
GRANTING IN PART AND
DENYING IN PART
DEFENDANT'S MOTION TO
STRIKE, AND (5) REMANDING
FOR FURTHER PROCEEDINGS**

(Doc. Nos. 16, 19, 23, & 25)

Presently before the Court is Plaintiff Nazdar R. Alzayadie's motion for summary judgment, (Doc. No. 16) Defendant Michael Astrue's motion for summary judgment, (Doc. No. 19) Defendant Michael Astrue's motion to strike, (Doc. No. 23) and Magistrate Judge Jan M. Adler's Report and Recommendation (R&R). (Doc. No. 25.)

Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1) set forth the duties of a district court in connection with a magistrate judge's report and recommendation. "The district court must 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

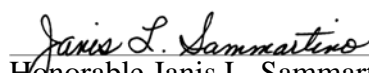
1 made by the magistrate.” 28 U.S.C. 636(b)(1)(c); *see also United States v. Remsing*, 874 F.2d 614,
2 617 (9th Cir. 1989); *United States v. Raddatz*, 447 U.S. 667, 676 (1980). However, in the absence of
3 timely objection, the Court need “only satisfy itself that there is no clear error on the face of the
4 record.” Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (citing *Campbell v. U.S. Dist. Court*,
5 501 F.2d 196, 206 (9th Cir. 1974)).

6 Neither party has timely objected to Magistrate Judge Adler’s R&R. Thus, the Court has
7 reviewed the R&R for clear error and found none. Consequently, the R&R is **ADOPTED**.

8 Pursuant to Judge Adler’s recommendation, Plaintiff’s motion for summary judgment is
9 **GRANTED IN PART**, Defendant’s cross-motion for summary judgment is **DENIED**, and
10 Defendant’s motion to strike is **GRANTED IN PART** and **DENIED IN PART**. This case is hereby
11 **REMANDED** for further proceedings. On remand, the ALJ **SHALL PROCEED** in conformance
12 with Judge Adler’s directions in the R&R.

13 IT IS SO ORDERED.

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15 DATED: August 11, 2010

16 
17 Honorable Janis L. Sammartino
18 United States District Judge
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