

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

DONALD L. WILLIS,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CASE NO. 09CV1956-LAB (POR)

ORDER ADOPTING REPORT &
RECOMMENDATION

On September 8, 2009, Donald L. Willis filed a complaint asking the Court to reverse the final decision of the Commissioner of the Social Security Administration denying his claim for disability insurance and supplemental security income benefits. The case was referred to Magistrate Judge Louisa S. Porter for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636 and Civil Local Rule 72.1(c).

Now before the Court is Judge Porter's R&R on the parties' cross-motions for summary judgment. Judge Porter recommended that the Court DENY Willis's motion and GRANT the Commissioner's. The R&R ordered the parties to file any objections by November 1, 2010. It also advised them that failure to file timely objections may waive the right to raise those objections on appeal. Neither party filed objections, nor asked for additional time to do so.

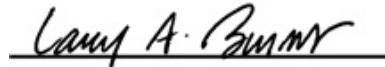
In considering an R&R, a district judge "may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate

1 judge with instructions.” Fed. R. Civ. P. 72(b); see *also* 28 U.S.C. § 636(b)(1). “[T]he court
2 shall make a de novo determination of those portions of the report or specified proposed
3 findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “[T]he
4 district judge must review the magistrate judge’s findings and recommendations *de novo if*
5 *objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
6 (9th Cir.2003) (en banc).

7 The Court has reviewed the R&R and finds it to both thorough and correct, especially
8 considering Willis’s failure to object to it. Therefore, the Court **ADOPTS** the R&R. Willis’s
9 motion for summary judgment is **DENIED**. The Commissioner’s is **GRANTED**.

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11 **IT IS SO ORDERED.**

12 DATED: December 9, 2010

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14 **HONORABLE LARRY ALAN BURNS**
15 United States District Judge
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