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

MARY A. ROCKETT,  
Plaintiff,  
v.  
MICHAEL J. ASTRUE,  
Respondent.

Case No. 3:10-cv-00163-AJB-WVG

**ORDER: (1) ADOPTING REPORT  
AND RECOMMENDATION; (2)  
DENYING PLAINTIFF’S MOTION  
FOR SUMMARY JUDGMENT; AND  
(3) GRANTING DEFENDANT’S  
MOTION FOR SUMMARY  
JUDGMENT**

Presently before the Court are Plaintiff Mary A. Rockett’s Motion for Summary Judgment, Defendant Michael J. Astrue’s Cross-Motion for Summary Judgment, and Magistrate Judge William V. Gallo’s Report and Recommendation advising the Court to deny Plaintiff’s motion and grant Defendant’s motion.


Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district judge’s duties in connection with a magistrate judge’s report and recommendation. The district judge 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 finding or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely objection, the Court “need only satisfy itself that there

1 is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P.  
2 72(b), Advisory Committee Notes (1983); *see also United States v. Reyna-Tapia*, 328 F.3d 1114,  
3 1121 (9th Cir. 2003).

4           Neither party has timely filed objections to Magistrate Judge Gallo’s Report and  
5 Recommendation. (*See* R & R 31-32 (objections due by September 6, 2011).) Having reviewed the  
6 report and recommendation, the Court finds that Magistrate Judge Gallo’s Report and  
7 Recommendation is thorough, well reasoned, and contains no clear error. Accordingly, the Court  
8 hereby: (1) **ADOPTS** Magistrate Judge Gallo’s report and recommendation; (2) **DENIES** Plaintiff’s  
9 Motion for Summary Judgment; and (3) **GRANTS** Defendant’s Cross-Motion for Summary  
10 Judgment.

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12           IT IS SO ORDERED.

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14 DATED: September 16, 2011

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17 Hon. Anthony J. Battaglia  
18 U.S. District Judge  
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