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2012 JUN -4 AM 10:15

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: _____  REPORT

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

WILLIAM TAYLOR SCOTT,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

CASE NO. 10cv1167 BEN (PCL)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Plaintiff William Taylor Scott filed this action seeking judicial review of a final decision of the Commissioner of Social Security denying his application for Supplemental Security Income Payments. The matter was referred for Report and Recommendation. Plaintiff filed a Motion for Summary Judgment and Defendant filed a Cross-Motion for Summary Judgment. (Dkt. Nos. 19-20.)


On April 13, 2012, Magistrate Judge Peter C. Lewis issued a thoughtful and thorough Report and Recommendation recommending this Court deny Plaintiff's Motion for Summary Judgment and grant Defendant's Cross-Motion for Summary Judgment. (Dkt. No. 23.) Any objections to the Report and Recommendation were due May 4, 2012. (*Id.*) Plaintiff did not file any objections.

1 A district judge “may accept, reject, or modify the recommended disposition” of a
2 magistrate judge on a dispositive matter. FED. R. CIV. P. 72(b)(3); *see also* 28 U.S.C.
3 §636(b)(1). “[T]he district judge must determine de novo any part of the [report and
4 recommendation] that has been properly objected to.” FED. R. CIV. P. 72(b)(3). However,
5 “[t]he statute makes it clear that the district judge must review the magistrate judge’s findings
6 and recommendations de novo *if objection is made*, but not otherwise.” *United States v.*
7 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis in original), *cert*
8 *denied*, 540 U.S. 900 (2003); *see also* *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir.
9 2005). “Neither the Constitution nor the statute requires a district judge to review, de novo,
10 findings and recommendations that the parties themselves accept as correct.” *Reyna-Tapia*,
11 328 F.3d at 1121.

12 In the absence of any objections, the Court fully **ADOPTS** Judge Lewis’ Report and
13 Recommendation. Plaintiff’s Motion for Summary Judgment is **DENIED**. Defendant’s
14 Cross-Motion for Summary Judgment is **GRANTED**.

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16 **IT IS SO ORDERED.**

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18 DATED: June / , 2012



Hon. Roger T. Benitez
United States District Judge

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