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

<p>RANDY DAVIS,</p> <p style="text-align: right; padding-right: 20px;">Plaintiff,</p> <p style="text-align: center; padding: 10px 0;">vs.</p> <p>MICHAEL J. ASTRUE, Commissioner of the Social Security Administration,</p> <p style="text-align: right; padding-right: 20px;">Defendant.</p>	<p>CASE NO. 10-cv-01732 BEN (NLS)</p> <p>ORDER:</p> <p>(1) ADOPTING REPORT AND RECOMMENDATION</p> <p>(2) DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT</p> <p>(3) GRANTING DEFENDANT'S CROSS-MOTION FOR SUMMARY JUDGMENT</p> <p>[Docket Nos. 13, 15, 19]</p>
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Plaintiff Randy Davis brings this action under the Social Security Act, 42 U.S.C. § 405(g), seeking judicial review of the Social Security Administration Commissioner's final decision denying his claim for supplemental security income benefits. (Docket No. 1.) On January 28, 2011, Plaintiff filed a Motion for Summary Judgment, seeking reversal of the decision of the Commissioner and/or remand to the Commissioner for a new hearing and decision. (Docket No. 13.) On April 27, 2011, the Commissioner filed a Cross-Motion for Summary Judgment, seeking to affirm the ALJ's decision. (Docket No. 15.)

Magistrate Judge Nita L. Stormes issued a thoughtful and thorough Report and Recommendation recommending that Plaintiff's Motion be denied and Defendant's Cross-Motion be granted. (Docket No. 19.) Any objections to the Report and Recommendation were due August 19,

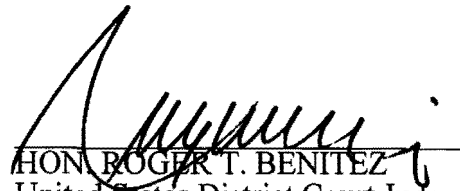
1 2011. (*Id.*) Neither party filed any objections. For the reasons that follow, the Report and
2 Recommendation is **ADOPTED**.

3 A district judge “may accept, reject, or modify the recommended disposition” of a magistrate
4 judge on a dispositive matter. FED. R. CIV. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1). “[T]he district
5 judge must determine de novo any part of the [report and recommendation] that has been properly
6 objected to.” FED. R. CIV. P. 72(b)(3). However, “[t]he statute makes it clear that the district judge
7 must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but
8 not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)
9 (emphasis in original), *cert denied*, 540 U.S. 900 (2003); *see also* *Wang v. Masaitis*, 416 F.3d 992,
10 1000 n.13 (9th Cir. 2005). “Neither the Constitution nor the statute requires a district judge to review,
11 de novo, findings and recommendations that the parties themselves accept as correct.” *Reyna-Tapia*,
12 328 F.3d at 1121. Accordingly, the Court may deny Plaintiff’s Motion and grant the Commissioner’s
13 Cross-Motion on this basis alone.

14 In the absence of any objections, the Court fully **ADOPTS** Judge Stormes’ Report and
15 Recommendation. Plaintiff’s Motion for Summary Judgment is **DENIED** and the Commissioner’s
16 Cross-Motion for Summary Judgment is **GRANTED**.

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18 **IT IS SO ORDERED.**

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20 DATED: August *10* 2011


HON. ROGER T. BENITEZ
United States District Court Judge

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