

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TERESA GUARDADO NUNEZ,)	Civil No. 10cv2008 AJB (WMc)
)	
Plaintiff,)	ORDER: (1) ADOPTING REPORT
)	AND RECOMMENDATION; (2)
v.)	DENYING PLAINTIFF'S MOTION
)	FOR SUMMARY JUDGMENT; AND
MICHAEL J. ASTRUE, Commissioner of)	(3) GRANTING DEFENDANT'S
Social Security,)	MOTION FOR SUMMARY JUDGMENT
)	
Defendants.)	[Doc. No. 15]
_____)	


Presently before the Court are Plaintiff Teresa Guardado Nunez's Motion for Summary Judgment, Defendant Michael J. Astrue's Cross-Motion for Summary Judgment, and Magistrate Judge William McCurine's Report and Recommendation advising the Court to deny Plaintiff's motion for summary judgment and to grant Defendants' cross-motion for summary judgment.

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

1 Neither party has timely filed objections to Magistrate Judge McCurine's Report and Recom-
2 mendation. (See R&R, Doc. No. 15, p. 11 (objections due by February 24, 2012).) Having reviewed the
3 report and recommendation, the Court finds it is thorough, well reasoned, and contains no clear error.
4 Accordingly, the Court hereby: (1) ADOPTS Magistrate Judge McCurine's Report and Recommenda-
5 tion; (2) DENIES Plaintiff's Motion for Summary Judgment; and (3) GRANTS Defendant's
6 Cross-Motion for Summary Judgment.

7 IT IS SO ORDERED.

8
9 DATED: March 9, 2012

10 
11 Hon. Anthony J. Battaglia
U.S. District Judge