

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11 TRINIDAD RUIZ,

12 Plaintiff,

13  
14  
15  
16 vs.  
17

18  
19  
20  
21 MICHAEL J. ASTRUE, Commissioner of  
22 Social Security,

23 Defendant.  
24  
25  
26

CASE NO. 10-CV-2023 MMA (BGS)

**ORDER:**

**ADOPTING REPORT AND  
RECOMMENDATION;**

[Doc. No. 23]

**GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT;**

[Doc. No. 18]

**DENYING DEFENDANT'S  
CROSS-MOTION FOR  
SUMMARY JUDGMENT; AND**

[Doc. No. 19]

**REMANDING THE ACTION TO  
THE SOCIAL SECURITY  
ADMINISTRATION FOR  
FURTHER PROCEEDINGS**

27 Pending before the Court is the Report and Recommendation ("R&R") of Magistrate Judge  
28 Bernard G. Skomal, filed on July 20, 2012, recommending that the Court deny in part and grant in part

1 Plaintiff's motion for summary judgment and deny Defendant's cross-motion for summary judgment.  
2 [Doc. No. 23]. Neither party objected to the Magistrate Judge's R&R.

3 The duties of the district court in connection with a Magistrate Judge's R&R are set forth in  
4 Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Where the parties  
5 object to a R&R, "[a] judge of the [district] court shall make a de novo determination of those portions  
6 of the [R&R] to which objection is made." 28 U.S.C. § 636(b)(1); *see Thomas v. Arn*, 474 U.S. 140,  
7 149–50 (1985). When no objections are filed, the district court need not review the R&R de novo.  
8 *Wang v. Masaitis*, 416 F.3d 992, 1000 n. 13 (9th Cir. 2005); *United States v. Reyna-Tapia*, 328 F.3d  
9 1114, 1121–22 (9th Cir. 2003) (en banc). A district court may nevertheless "accept, reject, or modify,  
10 in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. §  
11 636(b)(1); *Wilkins v. Ramirez*, 455 F. Supp. 2d 1080, 1088 (S.D. Cal. 2006); *Or. Natural Desert Ass'n*  
12 *v. Rasmussen*, 451 F. Supp. 2d 1202, 1205 (D. Or. 2006).

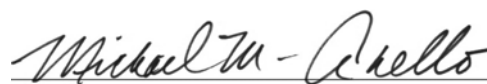
13 After reviewing the R&R in its entirety, the Court finds that the Magistrate Judge's  
14 conclusions are thorough, well-reasoned, and supported by the record. In light of the foregoing, and  
15 the fact that neither party objected to the R&R, the Court hereby **ADOPTS** the R&R in its entirety.

16 Accordingly, **IT IS HEREBY ORDERED** that:

- 17 1. The Magistrate Judge's Report and Recommendation [Doc. No. 23] is **ADOPTED** in  
18 its entirety;
- 19 2. Plaintiff's Motion for Summary Judgment [Doc. No. 18] is **GRANTED IN PART**  
20 **AND DENIED IN PART**;
- 21 3. Defendant's Cross-Motion for Summary Judgment [Doc. No. 19] is **DENIED**; and  
22 4. The action is **REMANDED** to the Social Security Administration for further  
23 proceedings consistent with this decision.

24 **IT IS SO ORDERED.**

25 DATED: August 31, 2012

26 

27 Hon. Michael M. Anello  
28 United States District Judge