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

HY:  DEPUTY

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

GINGER STENSON,  
  
Plaintiff,  
  
vs.  
  
MICHAEL J. ASTRUE, Commissioner of  
the Social Security Administration,  
  
Defendant.

CASE NO. 11-CV-1054 BEN (BLM)

**ORDER:**

**(1) ADOPTING REPORT AND  
RECOMMENDATION**

**(2) DENYING PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT AND GRANTING  
DEFENDANT'S CROSS-MOTION  
FOR SUMMARY JUDGMENT**

[Docket Nos. 17, 18, 20]

On October 27, 2011, Plaintiff filed a motion for summary judgment (Docket No. 17), and on November 30, 2011, Defendant filed a cross-motion for summary judgment (Docket No. 18). Magistrate Judge Barbara Lynn Major issued a thoughtful and thorough Report and Recommendation recommending that Plaintiff's motion for summary judgment be denied and Defendant's cross-motion for summary judgment be granted. (Docket No. 20.) Any objections to the Report and Recommendation were due March 30, 2012. (*Id.*) Neither party filed any objections. For the reasons that follow, the Report and Recommendation is **ADOPTED**.


A district judge "may accept, reject, or modify the recommended disposition" of a magistrate judge on a dispositive matter. FED. R. CIV. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1). "[T]he district judge must determine de novo any part of the [report and recommendation] that has been properly

1 objected to.” FED. R. CIV. P. 72(b)(3). However, “[t]he statute makes it clear that the district judge  
2 must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but  
3 not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)  
4 (emphasis in original); *see also Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005). “Neither  
5 the Constitution nor the statute requires a district judge to review, de novo, findings and  
6 recommendations that the parties themselves accept as correct.” *Reyna-Tapia*, 328 F.3d at 1121.

7 In the absence of any objections, the Court fully **ADOPTS** Judge Major’s Report and  
8 Recommendation. Defendant’s cross-motion for summary judgment is **GRANTED**, and Plaintiff’s  
9 motion for summary judgment is **DENIED**.

10 **IT IS SO ORDERED.**

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12 DATED: April 4, 2012

  
HON. ROGER T. BENITEZ  
United States District Court Judge

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