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

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WENDY D. CARTER,

CASE NO. 11-CV-1438-MMA(KSC)

11

Plaintiff,

12

vs.

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE;**

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[Doc. No. 22]

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MICHAEL J. ASTRUE, *Commissioner of
Social Security,*

**DENYING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT;**

17

[Doc. No. 16]

18

Defendant.

**GRANTING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

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[Doc. No. 20]

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On June 29, 2011, Plaintiff Wendy Carter filed this appeal pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking review of an adverse final decision of the Commissioner of Social Security. The matter was referred to the assigned magistrate judge for preparation of a Report and Recommendation (“R&R”), pursuant to 28 U.S.C. § 636(b)(1)(B) and Civil Local Rule 72.1.¹

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¹ The responsibility to make a final determination remains with the assigned district judge. *Mathews v. Weber*, 423 U.S. 261 (1976). The district judge is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge, or recommit the matter to the magistrate judge with instructions. 28 U.S.C. § 636(b)(1).

1 On February 5, 2011, Magistrate Judge Crawford issued a Report and Recommendation
2 [Doc. No. 22] containing findings and conclusions, upon which she bases her recommendation that
3 the Court deny Plaintiff's motion for summary judgment [Doc. No. 16] and grant Defendant's
4 motion for summary judgment [Doc. No. 20]. No party filed objections to the Report and
5 Recommendation, which set a February 22, 2013, deadline to file objections (14 days from the date
6 of the R&R). The R&R sets forth in accurate detail the relevant facts and standards of law on this
7 matter, and the Court incorporates such without further recitation.

8 The duties of the district court in connection with a Magistrate Judge's R&R are set forth in
9 Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Where the parties
10 object to a R&R, "[a] judge of the [district] court shall make a de novo determination of those
11 portions of the [R&R] to which objection is made." 28 U.S.C. § 636(b)(1); *see Thomas v. Arn*, 474
12 U.S. 140, 149-50 (1985). When no objections are filed, the district court need not review the R&R
13 *de novo*. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005); *United States v. Reyna-Tapia*,
14 328 F.3d 1114, 1121-22 (9th Cir. 2003) (en banc). A district judge may nevertheless "accept, reject,
15 or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28
16 U.S.C. § 636(b)(1); *Wilkins v. Ramirez*, 455 F. Supp. 2d 1080, 1088 (S.D. Cal. 2006); *Or. Natural*
17 *Desert Ass'n v. Rasmussen*, 451 F. Supp. 2d 1202, 1205 (D. Or. 2006).

18 After reviewing the R&R in its entirety, the Court finds that the Magistrate Judge's
19 conclusions are thorough, well-reasoned, and supported by applicable law. Accordingly, the Court
20 orders as follows:

- 21 1. The Report and Recommendation [Doc. No. 22] is **ADOPTED** in its entirety.
- 22 2. Plaintiff's Motion for Summary Judgment [Doc. No. 16] is **DENIED**.
- 23 3. Defendant's Cross-Motion for Summary Judgment [Doc. No. 20] is **GRANTED**.
- 24 5. The Clerk of Court is instructed to close this matter.

25 **IT IS SO ORDERED.**

26 DATED: February 27, 2013

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28 Hon. Michael M. Anello
United States District Judge