

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**

EVELYN CASTRO,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of  
Social Security Administration,

Defendant.

CASE NO. 12cv1194-LAB (MDD)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Castro challenges the denial of her claim for disability benefits under the Social Security Act. The challenge was referred to Magistrate Judge Dembin for a Report and Recommendation pursuant to 28 U.S.C. § 636, after which Castro and the Commissioner filed cross-motions for summary judgment. Judge Dembin issued his R&R on November 8, 2012, finding for the Commissioner.


The Court reviews an R&R on dispositive motions pursuant to Fed. R. Civ. P. 72(b), which “makes clear that the district judge must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Castro failed to object to the R&R. The R&R specified that any objections must be filed no later than November 28, 2012, and it warned that the failure to file any objections may waive the right to later raise them on appeal.

1 In any event, the Court has reviewed the R&R and finds it is sound. It is therefore  
2 **ADOPTED**. Castro's motion for summary judgment is **DENIED** and the Commissioner's  
3 motion is **GRANTED**.

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

**IT IS SO ORDERED.**

DATED: December 20, 2012

  
**HONORABLE LARRY ALAN BURNS**  
United States District Judge