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

LORI MERRYFLORIAN,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

CASE NO. 12-CV-2493-IEG (DHB)

**ORDER:**

**(1) ADOPTING IN FULL REPORT  
AND RECOMMENDATION ;**

**(2) DENYING PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT; AND**

**(3) GRANTING DEFENDANT'S  
CROSS-MOTION FOR  
SUMMARY JUDGMENT**

**[Doc. Nos. 20, 14, 15]**

On October 15, 2012, Plaintiff Lori Merryflorian filed a complaint under Section 405(g) of the Social Security Act, requesting judicial review of the final decision of the Commissioner of the Social Security Administration that denied her claim for disability benefits. (Doc. No. 1.) Thereafter, the Court referred this matter to United States Magistrate Judge David H. Bartick, who issued a Report and Recommendation ("R&R") recommending that the Court deny Plaintiff's motion for summary judgment and grant Defendant Michael J. Astrue's cross-motion for summary judgment. (Doc. No. 20.) The time for filing objections to the R&R expired on August 29, 2013. (R&R 12:5-7.) Both parties are represented by counsel, but to date, neither party has filed any objections.

1 **DISCUSSION**

2 The Court reviews *de novo* those portions of the R&R to which objections are  
3 made. 28 U.S.C. § 636(b)(1). The Court may “accept, reject, or modify, in whole or  
4 in part, the findings or recommendations made by the magistrate judge.” *Id.* But  
5 “[t]he statute makes it clear that the district judge must review the magistrate  
6 judge’s findings and recommendations *de novo if objection is made*, but not  
7 otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en  
8 banc) (emphasis in original). “Neither the Constitution nor the statute requires a  
9 district judge to review, *de novo*, findings and recommendations that the parties  
10 themselves accept as correct.” *Id.* “When no objections are filed, the *de novo*  
11 review is waived.” *Marshall v. Astrue*, No. 08cv1735, 2010 WL 841252, at \*1  
12 (S.D. Cal. Mar. 10, 2010) (Lorenz, J.).


13 In this case, the deadline for filing objections was on August 29, 2013.  
14 However, no objections have been filed, and neither party has requested additional  
15 time to do so. Accordingly, the Court may adopt the R&R on that basis alone. *See*  
16 *Reyna-Tapia*, 328 F.3d at 1121. Having conducted a *de novo* review of the parties’  
17 cross-motions for summary judgment and the R&R, the Court hereby approves and  
18 **ADOPTS IN FULL** the R&R. *See* 28 U.S.C. § 636(b)(1).

19 **CONCLUSION**

20 Having reviewed the R&R and there being no objections, the Court **ADOPTS**  
21 **IN FULL** the R&R (Doc. No. 20), **DENIES** Plaintiff’s motion for summary  
22 judgment (Doc. No. 14), and **GRANTS** Defendant’s cross-motion for summary  
23 judgment (Doc. No. 15).

24 **IT IS SO ORDERED.**

25 **DATED: September 5, 2013**

26   
27 **IRMA E. GONZALEZ**  
28 **United States District Judge**