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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CAROL A. COOPER,  
Plaintiff,  
v.  
CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,  
Defendant.

Civil Case No. 12cv2673 AJB (DHB)  
ORDER:  
(1) ADOPTING REPORT AND  
RECOMMENDATION, (Doc. No.  
18);  
(2) GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT, (Doc. No. 11);  
(3) DENYING DEFENDANT'S  
CROSS-MOTION FOR SUMMARY  
JUDGMENT, (Doc. No. 15); AND  
(4) REMANDING FOR FURTHER  
PROCEEDINGS.

On November 2, 2012, Plaintiff Carol A. Cooper ("Plaintiff") filed a complaint pursuant to 42 U.S.C. § 405(g), requesting judicial review of an adverse final decision issued by the Commissioner of Social Security ("Defendant"). (Doc. No. 1.) On April 2, 2013, Plaintiff filed a motion for summary judgment, (Doc. No. 11), and on May 14, 2013, Defendant filed a cross-motion for summary judgment, (Doc. Nos. 15, 16). Plaintiff did not file an opposition to Defendant's cross-motion for summary judgment or a reply to Defendant's opposition.

1 On December 5, 2013, United States Magistrate Judge David H. Bartick issued a  
2 Report and Recommendation (“R&R”), recommending that the Court grant Plaintiff’s  
3 motion for summary judgment, deny Defendant’s cross-motion for summary judgment,  
4 and remand for further administrative proceedings. (Doc. No. 18 at 29:2-5.) The R&R  
5 also instructed the parties that any written objections to the R&R must be filed no later  
6 than January 6, 2013, and that failure to file timely objections could waive any right to  
7 raise those contentions on appeal. (*Id.* at 29:9-16.) *See Martinez v. Ylst*, 951 F.2d 1153  
8 (9th Cir. 1991). As of the date of this order, neither party has filed an objection to the  
9 R&R or requested additional time to file objections.

10 A district judge’s duties concerning a report and recommendation and objections  
11 thereto are set forth in Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1).  
12 Pursuant to Section 636(b)(1)(C), a district judge must “make a de novo determination of  
13 those portions of the report or specified proposed findings or recommendations to which  
14 objection is made” and “may accept, reject, or modify, in whole or in part, the findings or  
15 recommendations made by the magistrate judge.” *See also United States v. Remsing*, 874  
16 F.2d 614, 617 (9th Cir. 1989). However, under Rule 72(b), in the absence of timely  
17 objection(s), the Court “need only satisfy itself that there is no clear error on the face of  
18 the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), Advisory  
19 Committee Notes (1983); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121  
20 (9th Cir. 2003).


21 Here, despite being represented by counsel, neither Plaintiff nor Defendant filed  
22 timely objections to the R&R. Therefore, having reviewed the R&R the Court finds the  
23 report thorough, well-reasoned, and contains no clear error. *See Fed. R. Civ. P. 72(b);*  
24 *Reyna-Tapia*, 328 F.3d at 1121. Accordingly, the Court ADOPTS the R&R in its  
25 entirety, (Doc. No. 18), GRANTS Plaintiff’s motion for summary judgment, (Doc. No.  
26 11), DENIES Defendant’s cross-motion for summary judgment, (Doc. No. 15), and  
27 REMANDS the case to the Social Security Administration for further administrative  
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1 proceedings consistent with the R&R, (Doc. No. 18 at 28:7-21). The Clerk of Court is  
2 instructed to remand and close the case.

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IT IS SO ORDERED.

DATED: January 7, 2014

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Hon. Anthony J. Battaglia  
U.S. District Judge