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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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DEPUTY

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

STEVE JASON MILLER,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

CASE NO. 13-CV-238-BEN (NLS)

**ORDER:**

**(1) ADOPTING REPORT AND  
RECOMMENDATION**

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

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

[Docket Nos. 21, 23, 24]

On January 29, 2013, Plaintiff Steve Jason Miller commenced an action seeking judicial review of a decision of the Commissioner of Social Security denying Plaintiff's application for Disabled Adult Child benefits. (Docket No. 1). Plaintiff filed a Motion for Summary Judgment on January 27, 2014. (Docket No. 21). Defendant filed a Cross-Motion for Summary Judgment on February 27, 2014. (Docket No. 23). On June 9, 2014, Magistrate Judge Nita L. Stormes 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. 24). Any objections to the Report and Recommendation were due June

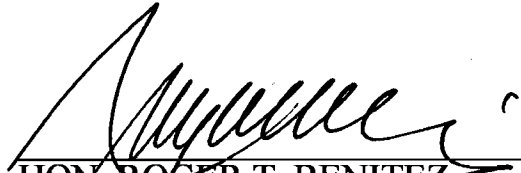
1 23, 2014. (*Id.*) Neither party has filed any objections. For the reasons that follow, the  
2 Report and Recommendation is **ADOPTED**.

3 A district judge “may accept, reject, or modify the recommended disposition” of  
4 a magistrate judge on a dispositive matter. FED. R. CIV. P. 72(b)(3); *see also* 28 U.S.C.  
5 § 636(b)(1). “The district judge must determine de novo any part of the [report and  
6 recommendation] that has been properly objected to.” FED. R. CIV. P. 72(b)(3).  
7 However, “[t]he statute makes it clear that the district judge must review the magistrate  
8 judge’s findings and recommendations de novo *if objection is made*, but not  
9 otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en  
10 banc) (emphasis in original); *see also Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th  
11 Cir. 2005). “Neither the Constitution nor the statute requires a district judge to review,  
12 de novo, findings and recommendations that the parties themselves accept as correct.”  
13 *Reyna-Tapia*, 328 F.3d at 1121.

14 In the absence of any objections, the Court fully **ADOPTS** Judge Stormes’  
15 Report and Recommendation. Defendant’s Cross-Motion for Summary Judgment is  
16 **GRANTED**, and Plaintiff’s Motion for Summary Judgment is **DENIED**.

17 **IT IS SO ORDERED.**

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19 DATED: June 25, 2014

  
HON. ROGER T. BENITEZ  
United States District Judge

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