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

PAULA MICHELLE FRENCH,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

CASE NO. 13cv0267-WQH (WVG)

ORDER

HAYES, Judge:

The matter before the Court is the review of the report and recommendation (ECF No. 17) issued by United States Magistrate Judge William V. Gallo, recommending that Plaintiff's motion for summary judgment (ECF No. 12) be denied and Defendant's cross-motion for summary judgment (ECF No. 13) be granted.

**BACKGROUND**

On March 25, 2010, Plaintiff Paula French filed an application for supplemental security income under Title XVI and XIX of the Social Security Act ("Act"). (ECF No. 10-5 at 2-7). Plaintiff's claim was denied at the initial level and upon reconsideration. (ECF No. 10-3). Plaintiff then requested a hearing before an administrative law judge ("ALJ"), which was held on March 4, 2011. (ECF No. 10-2 at 32-46). On September 22, 2011, the ALJ issued an unfavorable decision, concluding that Plaintiff was not disabled as defined under the Act. (ECF No. 10-2 at 15-31). On November 28, 2012, the Appeals Council for the Social Security Administration denied Plaintiff's request for further review. (ECF No. 10-2 at 4-6).

1 On February 1, 2013, Plaintiff, represented by counsel, commenced this action  
2 seeking judicial review of Defendant’s decision pursuant to 42 U.S.C. § 405(g). (ECF  
3 No. 1). On July 24, 2013, Plaintiff filed a motion for summary judgment. (ECF No.  
4 12). On August 12, 2013, Defendant filed a cross-motion for summary judgment.  
5 (ECF No. 13). On October 29, 2013, the Magistrate Judge issued the report and  
6 recommendation. (ECF No. 17). The report and recommendation recommends that  
7 Plaintiff’s motion for summary judgment be denied and Defendant’s cross-motion for  
8 summary judgment be granted. The Magistrate Judge found that the ALJ properly  
9 rejected the treating physician’s opinions in concluding that Plaintiff was not disabled  
10 under the Act. The Magistrate Judge also found that substantial evidence supported the  
11 ALJ’s finding that Plaintiff’s testimony was not credible.

12 The report and recommendation states that any party may file written objections  
13 with the Court no later than November 21, 2013 and that “failure to file objections  
14 within the specified time may waive the right to raise those objections on appeal of the  
15 Court’s order.” *Id.* at 47–48. The docket reflects that no objections to the report and  
16 recommendation have been filed.

### 17 **REVIEW OF THE REPORT AND RECOMMENDATION**

18 The duties of the district court in connection with the report and recommendation  
19 of a Magistrate Judge are set forth in Federal Rule of Civil Procedure 72(b) and 28  
20 U.S.C. § 636(b)(1). The district judge must “make a *de novo* determination of those  
21 portions of the report . . . to which objection is made,” and “may accept, reject, or  
22 modify, in whole or in part, the findings or recommendations made by the magistrate  
23 judge.” 28 U.S.C. § 636(b). The district court need not review *de novo* those portions  
24 of a report and recommendation to which neither party objects. *See Wang v. Masaitis*,  
25 416 F.3d 992, 1000 n.13 (9th Cir. 2005); *United States v. Reyna-Tapia*, 328 F.3d 1114,  
26 1121–22 (9th Cir. 2003) (en banc).


27 After review of the report and recommendation, the written opinion of the ALJ,  
28 the administrative record, and the submissions of the parties, the Court concludes that

1 the Magistrate Judge correctly found that the ALJ's decision is supported by substantial  
2 evidence and the ALJ applied the correct legal standards.

3 **CONCLUSION**

4 IT IS HEREBY ORDERED that (1) the report and recommendation (ECF No.  
5 17) is ADOPTED in its entirety; (2) the motion for summary judgment filed by Plaintiff  
6 (ECF No. 12) is DENIED; and (3) the cross-motion for summary judgment filed by  
7 Defendant (ECF No. 13) is GRANTED. The Clerk of the Court shall enter judgment  
8 for Defendant and against Plaintiff.

9 DATED: January 2, 2014

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11 **WILLIAM Q. HAYES**  
United States District Judge

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