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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SAUNDRA RUBALCABA,  
Plaintiff,  
v.  
CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,  
Defendant.

Civil No. 14cv1256 AJB (MDD)  
ORDER:  
1) ADOPTING REPORT AND  
RECOMMENDATION, [Doc. No.  
26];  
2) DENYING PLAINTIFF’S  
MOTION FOR SUMMARY  
JUDGMENT, (Doc. No. 15];  
3) GRANTING DEFENDANT’S  
CROSS-MOTION FOR SUMMARY  
JUDGMENT, [Doc. No. 21].

Pending before the Court Plaintiff’s Motion for Summary Judgment, (Doc. No. 15) and Defendant’s Cross-Motion for Summary Judgment (Doc. No. 21). The Court referred the matter to Magistrate Judge Mitchell D. Dembin.

On May 20, 2014, Plaintiff filed a complaint pursuant to the Social Security Act, 42 U.S.C. § 405(g), challenging the Commissioner of the Social Security Administration’s denial of disability benefits. (Doc. No. 1.) On October 14, 2014 the Commissioner filed an answer. (Doc. No. 11.) On November 24, 2014, Plaintiff filed a Motion for Summary Judgment requesting reversal of the Administrative Law Judge’s (“ALJ”) final decision.


1 (Doc. No. 15.) Magistrate Judge Dembin’s Report and Recommendation (“R&R”)  
2 recommends this Court deny Plaintiff’s Motion for Summary Judgment, grant Defendant’s  
3 Cross-Motion for Summary Judgment, and affirm the ALJ’s decision. (Doc. No. 26.) The  
4 parties were instructed to file written objections to the R&R no later than September 2,  
5 2015, and replies no later than September 9, 2015. (*Id.* at 15.) As of the date of this order,  
6 neither party has filed an objection to the R&R.

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

16 Here despite being represented by counsel, Plaintiff has failed to file timely objections  
17 to the R&R. Having reviewed the R&R, the Court finds that Magistrate Judge Dembin’s  
18 R&R is thorough, well reasoned, and contains no clear error. Accordingly, the Court hereby:  
19 (1) **ADOPTS** Magistrate Judge Dembin’s Report and Recommendation in its entirety; (2)  
20 **DENIES** Plaintiff’s Motion for Summary Judgment; and (3) **GRANTS** Defendant’s Cross-  
21 Motion for Summary Judgment. The Clerk of Court is directed to close the case.

22 IT IS SO ORDERED.

23  
24 DATED: September 4, 2015

25   
26 Hon. Anthony J. Battaglia  
27 U.S. District Judge  
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