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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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

PHINEAS C. BOLDEN,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

CASE NO. 14CV1380 BEN (JMA)

ORDER:

- (1) ADOPTING REPORT AND RECOMMENDATION**
- (2) GRANTING DEFENDANT'S MOTION TO DISMISS**

[Docket Nos. 11, 12]

On June 5, 2014, Plaintiff Phineas C. Bolden commenced an action seeking judicial review of a denial of disability benefits. (Docket No. 1.) Defendant Commissioner of Social Security filed a Motion to Dismiss the Complaint as untimely on August 25, 2014 . (Docket No. 11.) Plaintiff did not oppose the motion. On December 11, 2014, Magistrate Judge Jan M. Adler issued a thoughtful and thorough Report and Recommendation recommending that Defendant's Motion to Dismiss be granted. (Docket No. 12). Any objections to the Report and Recommendation were due December 30, 2014. (*Id.*) Neither party has filed any objections. For the reasons that follow, the Report and Recommendation is **ADOPTED**.

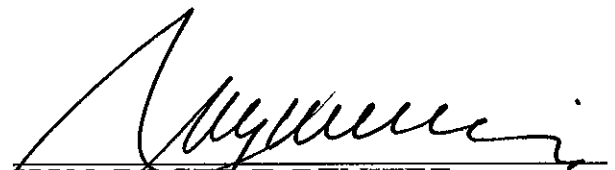
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1 A district judge “may accept, reject, or modify the recommended disposition” of
2 a magistrate judge on a dispositive matter. FED. R. CIV. P. 72(b)(3); *see also* 28 U.S.C.
3 § 636(b)(1). “The district judge must determine de novo any part of the [report and
4 recommendation] that has been properly objected to.” FED. R. CIV. P. 72(b)(3).
5 However, “[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); *see also Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th
9 Cir. 2005). “Neither the Constitution nor the statute requires a district judge to review,
10 de novo, findings and recommendations that the parties themselves accept as correct.”
11 *Reyna-Tapia*, 328 F.3d at 1121.

12 In the absence of any objections, the Court fully **ADOPTS** Judge Adler’s Report
13 and Recommendation. Defendant’s Motion to Dismiss is **GRANTED**. Plaintiff’s
14 Complaint is **DISMISSED**. The Clerk shall close the file.

15 **IT IS SO ORDERED.**

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17 DATED: 2/2/15


HON. ROGER T. BENITEZ
United States District Judge

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