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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 YOLANDA AVILES,

Plaintiff,

12 v.

13 CAROLYN W. COLVIN,

Defendant.
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Case No.: 14CV2830 BEN (BLM)

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

[Docket Nos. 16, 17, 19]

17 Plaintiff Yolanda Aviles filed this action seeking judicial review of the Social
18 Security Commissioner's denial of her application for disability insurance benefits and
19 supplemental security income. (Docket No. 1.) A briefing schedule was issued. (Docket
20 No. 15.) Plaintiff filed a Motion for Summary Judgment. (Docket No. 16.) Defendant
21 filed a Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion.
22 (Docket Nos. 17-18.)

23 On October 23, 2015, Magistrate Judge Barbara L. Major issued a thoughtful and
24 thorough Report and Recommendation recommending this Court deny Plaintiff's Motion
25 for Summary Judgment and grant Defendant's Cross-Motion for Summary Judgment.
26 (Docket No. 19.) Any objections to the Report and Recommendation were due
27 November 13, 2015. (Id.) Plaintiff has not filed any objections. For the reasons that

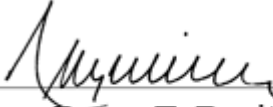
1 follow, the Report and Recommendation is **ADOPTED**.

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

12 The Court need not conduct a de novo review given the absence of objections.
13 However, the Court has conducted a de novo review and fully **ADOPTS** the Report and
14 Recommendation. Plaintiff’s Motion for Summary Judgment is **DENIED** and
15 Defendant’s Cross-Motion for Summary Judgment is **GRANTED**. The Clerk shall close
16 the file.

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18 **IT IS SO ORDERED.**

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20 Dated: November 19, 2015

21 
22 Hon. Roger T. Benitez
23 United States District Judge
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