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

ANH VAN NGUYEN,  <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> CAROLYN W. COLVIN, Acting Commissioner of Social Security,  <p style="text-align: right;">Defendant.</p>		CASE NO. 15cv765-WQH-NLS  <b>ORDER</b>
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HAYES, Judge:

The matter before the Court is the review of the Report and Recommendation (ECF No. 17) issued by United States Magistrate Judge Nita L. Stormes, recommending that Plaintiff’s Motion for Summary Judgment (ECF No. 14) be denied and that Defendant’s Cross Motion for Summary Judgment (ECF No. 15) be granted.

**BACKGROUND**

On August 19, 2011, Plaintiff Anh Van Nguyen filed an application for social security disability insurance benefits under the Social Security Act. (ECF No. 10-3 at 1). Plaintiff’s claim was denied at the initial level and upon reconsideration. (ECF No. 10-3 at 9, 23). Plaintiff then requested a hearing before an administrative law judge (“ALJ”), which was held on August 5, 2013. (ECF No. 10-2 at 57). On October 16, 2013, the ALJ issued an unfavorable decision, concluding that Plaintiff was not disabled. (ECF No. 10-2 at 9-20). On February 11, 2015, the Appeals Council for the Social Security Administration denied Plaintiff’s request for further review. (ECF No.

1 10-2 at 2–4).

2 On April 7, 2015, Plaintiff, represented by counsel, commenced this action  
3 seeking judicial review of Defendant’s decision. (ECF No. 1). On October 22, 2015,  
4 Plaintiff filed a motion for summary judgment. (ECF No. 14). On November 12, 2015,  
5 Defendant filed a cross-motion for summary judgment. (ECF No. 15). On February  
6 2, 2016, the Magistrate Judge issued the report and recommendation. (ECF No. 17).  
7 The report and recommendation recommends that Plaintiff’s motion for summary  
8 judgment be denied and Defendant’s cross-motion for summary judgment be granted.  
9 The Magistrate Judge found that the ALJ’s decision to deny Nguyen benefits was  
10 supported by substantial evidence.

11 The report and recommendation states that any party may file written objections  
12 with the Court no later than February 17, 2016 and that “failure to file objections within  
13 the specified time may waive the right to raise those objections on appeal of the Court’s  
14 order.” *Id.* at 26. The docket reflects that no objections to the report and  
15 recommendation have been filed.

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

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


26 After review of the report and recommendation, the written opinion of the ALJ,  
27 the administrative record, and the submissions of the parties, the Court concludes that  
28 the Magistrate Judge correctly found that the ALJ’s decision is supported by substantial

1 evidence and the ALJ applied the correct legal standards.

2 **CONCLUSION**

3 IT IS HEREBY ORDERED that (1) the report and recommendation (ECF No.  
4 17) is ADOPTED in its entirety; (2) the motion for summary judgment filed by Plaintiff  
5 (ECF No. 14) is DENIED; and (3) the cross-motion for summary judgment filed by  
6 Defendant (ECF No. 15) is GRANTED. The Clerk of the Court shall enter judgment  
7 for Defendant and against Plaintiff.

8 DATED: March 30, 2016

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

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