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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 MARIA D. SAUCEDO HERRERA,  
12 Plaintiff,  
13 v.  
14 CAROLYN W. COLVIN, Acting  
15 Commissioner of Social Security,  
16 Defendant.

Case No.: 15-CV-2572 W (KSC)

**ORDER:**

**(1) ADOPTING REPORT AND  
RECOMMENDATION [DOC. 23];**

**(2) DENYING PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT [DOC. 19]; AND**

**(3) GRANTING DEFENDANT'S  
CROSS-MOTION FOR SUMMARY  
JUDGMENT [DOC. 22]**

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21 On November 16, 2015, Plaintiff Maria Saucedo Herrera filed this action seeking  
22 judicial review of the Social Security Commissioner's final decision denying her claim  
23 for disability insurance benefits pursuant to the Social Security Act. (*See Compl.* [Doc.  
24 1].) The matter was referred to the Honorable Karen S. Crawford, United States  
25 Magistrate Judge, for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1).  
26 (*Dec. 7, 2015 Order* [Doc. 6].) Thereafter, the parties filed cross-motions for summary  
27 judgment. (*Pl. 's Mot.* [Doc. 19]; *Def. 's Mot.* [Doc. 22].)  
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1 On February 9, 2017, Judge Crawford issued a Report and Recommendation  
2 (“R&R”) recommending that the Court deny Plaintiff’s motion for summary judgment  
3 and grant Defendant’s cross-motion for summary judgment. (R&R [Doc. 23].) Judge  
4 Crawford ordered that any objections be filed within 14 days of service of that order,  
5 which took place electronically on February 9, 2017 via the Court’s electronic case filing  
6 system. (*Id.* [Doc. 23] 33:11–16.) 14 days after February 9 was February 23, 2017. No  
7 objections were filed by that date. There has been no request for additional time to  
8 object.

9 A district court’s duties concerning a magistrate judge’s report and  
10 recommendation and a respondent’s objections thereto are set forth in Rule 72(b) of the  
11 Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). When no objections are  
12 filed, the district court is not required to review the magistrate judge’s report and  
13 recommendation. See United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)  
14 (reasoning that 28 U.S.C. § 636(b)(1)(C) “makes it clear that the district judge must  
15 review the magistrate judge’s finding and recommendations de novo *if objection is made*,  
16 but not otherwise”); Schmidt v. Johnstone, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)  
17 (concluding that where no objections were filed, the District Court had no obligation to  
18 review the magistrate judge’s report). This rule of law is well-established within both the  
19 Ninth Circuit and this district. See Wang v. Masaitis, 416 F.3d 992, 1000 n.13 (9th Cir.  
20 2005) (“Of course, de novo review of a R & R is only required when an objection is  
21 made to the R & R[.]”) (citing Reyna-Tapia, 328 F.3d at 1121); Nelson v. Giurbino, 395  
22 F. Supp. 2d 946, 949 (S.D. Cal. 2005) (Lorenz, J.) (adopting the R&R without review  
23 because neither party filed objections despite having the opportunity to do so); see also  
24 Nichols v. Logan, 355 F. Supp. 2d 1155, 1157 (S.D. Cal. 2004) (Benitez, J.).

25 Accordingly, the Court accepts Judge Crawford’s recommendation and **ADOPTS**  
26 the R&R [Doc. 23] in its entirety.

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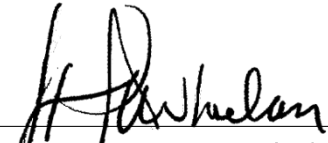
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1 For the reasons stated in the R&R, which is incorporated herein by reference, the  
2 Court **DENIES** Plaintiff's motion for summary judgment [Doc. 19] and **GRANTS**  
3 Defendant's cross-motion for summary judgment [Doc. 22].

4 Judgment is entered for Defendant. The clerk is directed to close the case.  
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6 **IT IS SO ORDERED.**

7 Dated: March 1, 2017

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10 Hon. Thomas J. Whelan  
11 United States District Judge  
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