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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 INDIA VIOLA BAKER,
12 Plaintiff,
13 v.
14 CAROLYN W. COLVIN, Acting
15 Commissioner of Social Security,
16 Defendant.

Case No.: 16cv1048-CAB-JMA

**ORDER: (1) ADOPTING REPORT
AND RECOMMENDATION [Doc.
No. 21]; (2) DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT [Doc. No. 17]; and (3)
GRANTING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT [Doc. No. 18]**

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20 Pending before the Court is the Report and Recommendation (“R&R”) of
21 Magistrate Judge Jan M. Adler, filed on July 7, 2017, recommending that the Court deny
22 Plaintiff India Baker’s motion for summary judgment and grant Defendant
23 Commissioner’s motion for summary judgment. [Doc. No. 21.]

24 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district
25 court’s duties in connection with a magistrate judge’s report and recommendation. The
26 district court must “make a de novo determination of those portion of the report to which
27 objection is made,” and “may accept, reject, or modify, in whole or in part, the findings
28 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also*

1 *United States v. Raddatz*, 447 U.S. 667, 673-76 (1980); *United States v. Remsing*, 874
2 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely objection, the Court
3 “need only satisfy itself that there is no clear error on the face of the record in order to
4 accept the recommendation.” Fed.R.Cvi.P. 72 advisory committee’s note (citing
5 *Campbel v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)); *see also United States v.*
6 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(“[T]he district judge must review the
7 magistrate judge’s findings and recommendations de novo *if objection is made*, but not
8 otherwise.”).

9 Here, neither party has timely filed objections to Magistrate Judge Adler’s R&R.
10 [See Doc. No. 21 at 25 (objections due by July 24, 2017).] Having reviewed the R&R, the
11 Court finds that it is thorough, well-reasoned, and contains no clear error. Accordingly,
12 the Court hereby: (1) **ADOPTS** Magistrate Judge Adler’s report and recommendation;
13 (2) **DENIES** plaintiff’s motion for summary judgment; and (3) **GRANTS** defendant’s
14 cross-motion for summary judgment.

15 This Order concludes the litigation in this matter. The Clerk shall close the file.

16 **IT IS SO ORDERED.**

17 Dated: August 11, 2017



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19 Hon. Cathy Ann Bencivengo
20 United States District Judge