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

KAREN S. SCOTT,  
  
Plaintiff,  
  
v.  
  
CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,  
  
Defendant.

Case No.: 16-cv-1773 W (BGS)

**ORDER:  
(1) ADOPTING REPORT AND  
RECOMMENDATION [DOC. 20],  
(2) DENYING PLAINTIFF’S  
MOTION FOR SUMMARY  
JUDGMENT [DOC. 15], AND  
(3) GRANTING DEFENDANT’S  
CROSS-MOTION FOR SUMMARY  
JUDGMENT [DOC. 18]**

On July 8, 2016, Plaintiff Karen S. Scott filed this lawsuit seeking judicial review of the Social Security Commissioner’s final decision denying her claim for disability insurance benefits and supplemental social security income. The matter was referred to the Honorable Bernard G. Skomal, United States Magistrate Judge, for a report and recommendation under 28 U.S.C. § 636(b)(1)(B). Thereafter, the parties filed cross-motions for summary judgment.

1 On August 8, 2017, Judge Skomal issued a Report and Recommendation  
2 (“Report”), recommending the Court deny Plaintiff’s motion for summary judgment and  
3 grant Defendant’s cross-motion for summary judgment. (*Report* [Doc. 20] 32:13–18.)  
4 The Report also ordered any objections filed by August 22, 2017. (*Id.* at 32:21–23.) To  
5 date, no objection has been filed, nor has there been a request for additional time in which  
6 to file an objection.

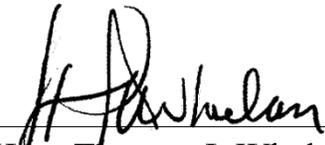
7 A district court’s duties concerning a magistrate judge’s report and  
8 recommendation and a respondent’s objections thereto are set forth in Rule 72(b) of the  
9 Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). When no objections are  
10 filed, the district court is not required to review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

25 The Court therefore accepts Judge Skomal’s recommendation, and **ADOPTS** the  
26 Report [Doc. 20] in its entirety. For the reasons stated in the Report, which is  
27 incorporated herein by reference, the Court **DENIES** Plaintiff’s motion for summary  
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1 judgment [Doc. 15] and **GRANTS** Defendant's cross-motion for summary judgment  
2 [Doc. 18]. The Clerk shall close the District Court case file.

3 **IT IS SO ORDERED.**

4 Dated: August 23, 2017

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7 Hon. Thomas J. Whelan  
8 United States District Judge  
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