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FILED
JUN 30 2017
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY **MYN** DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EUGENE MEIER,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No.: 3:16-cv-01837-BEN-PCL

ORDER:

**(1) ADOPTING REPORT AND
RECOMMENDATION;**

**(2) GRANTING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT; and**

**(3) DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

Plaintiff Eugene Meier filed this action seeking judicial review of the Social Security Commissioner's¹ denial of his application for disability insurance benefits.

¹ When Plaintiff initiated this action, Carolyn W. Colvin was serving as the Acting Commissioner of the Social Security Administration. Nancy A. Berryhill is now serving as the Acting Commissioner. Pursuant to Federal Rule of Civil Procedure 25(d), Berryhill is automatically substituted as a party.

1 Plaintiff filed a motion for summary judgment, and Defendant filed a cross-motion for
2 summary judgment and an opposition to Plaintiff's motion.

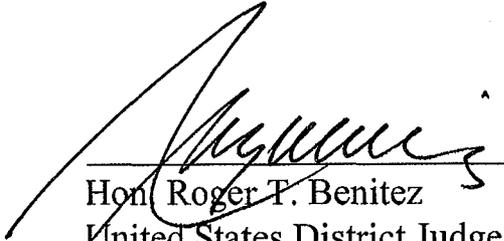
3 On June 9, 2017, Magistrate Judge Peter C. Lewis issued a thoughtful and
4 thorough Report and Recommendation, recommending that this Court grant Defendant's
5 motion and deny Plaintiff's motion. Objections to the Report and Recommendation were
6 due June 23, 2017. Neither party has filed any objections.

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

17 The Court has considered and agrees with the Report and Recommendation. The
18 Court **ADOPTS** the Report and Recommendation. (Docket No. 18). Plaintiff's motion
19 for summary judgment is **DENIED**. (Docket No. 14). Defendant's cross-motion for
20 summary judgment is **GRANTED**. (Docket No. 15).

21 **IT IS SO ORDERED.**

22
23 Dated: June 28, 2017

24 
25 Hon. Roger T. Benitez
26 United States District Judge
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