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8   UNITED STATES DISTRICT COURT

9   SOUTHERN DISTRICT OF CALIFORNIA

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11   LORI WILEY,   Case No.: 17-CV-202 JLS (NLS)

12   Plaintiff,
                                             ORDER: (1) ADOPTING R&R; (2)
13   v.   **DENYING PLAINTIFF'S MOTION**
                                             FOR SUMMARY JUDGMENT; AND
14   NANCY A. BERRYHILL,   **(3) GRANTING DEFENDANT'S**
     COMMISSIONER OF THE SOCIAL   **MOTION FOR SUMMARY**
15   SECURITY ADMINISTRATION,   **JUDGMENT**
16   Defendant.
                                             (ECF Nos. 13, 14, 16)
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19   Presently before the Court is Magistrate Judge Nita L Stormes's Report and

20   Recommendation ("R&R") recommending that the Court (1) deny Plaintiff's Motion for

21   Summary Judgment, and (2) grant Defendant's Cross Motion for Summary Judgment.

22   (ECF No. 16.) No party filed an objection or a reply to Judge Stormes's R&R. For the

23   following reasons, the Court (1) **ADOPTS** Judge Stormes's R&R in its entirety, (2)

24   **DENIES** Plaintiff's Motion for Summary Judgment, (ECF No. 13), and (3) **GRANTS**

25   Defendant's Cross Motion for Summary Judgment, (ECF No. 14).

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BACKGROUND

Judge Stormes's R&R contains a thorough and accurate recitation of the factual and procedural histories underlying the instant Motions for Summary Judgment. (*See* R&R 2–9.)[1] This Order incorporates by reference the background as set forth therein.

LEGAL STANDARD

Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district court's duties regarding a magistrate judge's report and recommendation. The district court "shall make a de novo determination of those portions of the report . . . to which objection is made," and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(c); *see also United States v. Raddatz*, 447 U.S. 667, 673–76 (1980); *United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). In the absence of a timely objection, however, "the Court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's note (citing *Campbell v. U.S. Dist. Court*, 510 F.2d 196, 206 (9th Cir. 1974)); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) ("[T]he district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise.").

ANALYSIS

As discussed, neither Plaintiff nor Defendant filed an objection or a reply to Judge Stormes's R&R. Plaintiff's objections were due January 26, 2018—none were filed. (R&R 22.) And, after review of the moving papers and Judge Stormes's R&R, the Court finds "that there is no clear error on the face of the record" and thus the Court may "accept the recommendation." Fed. R. Civ. P. 72 advisory committee's note (citing *Campbell*, 510 F.2d at 206). Additionally, the Court agrees with Judge Stormes's conclusions that the Administrative Law Judge's ("ALJ") determination was not erroneous because (1) the ALJ

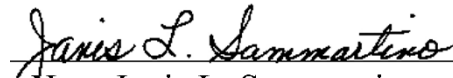[1] Pin citations to docketed material refer to the CM/ECF numbers electronically stamped at the top of each page.

properly rejected Plaintiff's subjective testimony, (*see* R&R 10–15), and (2) the ALJ properly considered the opinions of Plaintiff's treating doctors, (*id.* at 15–21). Accordingly, the Court **ADOPTS** Judge Stormes's R&R and thus **DENIES** Plaintiff's Motion for Summary Judgment, and **GRANTS** Defendant's Cross Motion for Summary Judgment.

CONCLUSION

For the foregoing reasons, the Court (1) **ADOPTS** Judge Stormes's R&R in its entirety, (2) **DENIES** Plaintiff's Motion for Summary Judgment, (ECF No. 13), and (3) **GRANTS** Defendant's Cross Motion for Summary Judgment, (ECF No. 14). This Order ends the litigation in this matter. Accordingly, the Clerk of Court **SHALL** close the file.

IT IS SO ORDERED.

Dated: March 5, 2018

Hon. Janis L. Sammartino
United States District Judge

17-CV-202 JLS (NLS)