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

MARIA GUADALUPE JEFFREY,  
Plaintiff,  
v.  
NANCY A. BERRYHILL, Acting  
Commissioner of Social Security  
Defendant.

CASE NO. 17CV1444-WQH-RBB

**ORDER**

HAYES, Judge:

The matter before the Court is the review of the Report and Recommendation issued by United States Magistrate Judge (ECF No. 19) recommending that the Plaintiff's motion for summary judgment (ECF No. 13) be granted and the Defendant's cross-motion for summary judgment (ECF No. 14) be denied.


The duties of the district court in connection with a report and recommendation of a magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b). The district judge must "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." 28 U.S.C. § 636(b). The district court need not review de novo those portions of a Report and Recommendation to which neither party objects. *See Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("Neither the Constitution nor the [Federal Magistrates Act]

1 requires a district judge to review, de novo, findings and recommendations that the  
2 parties themselves accept as correct.”).

3 No party has filed an objection to the Report and Recommendation. The Court  
4 has reviewed the Report and Recommendation, the record, and the submissions of the  
5 parties.

6 IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 19)  
7 is adopted in its entirety. IT IS FURTHER ORDERED that Plaintiff’s motion for  
8 summary judgment (ECF No. 13) is granted and the Defendant’s cross-motion for  
9 summary judgment (ECF No. 14) is denied. The Clerk is ordered to enter judgment in  
10 favor of Plaintiff and against Defendant vacating the decision of the Commissioner and  
11 remanding the matter for further administrative proceedings.

12 DATED: September 5, 2018

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14 **WILLIAM Q. HAYES**  
15 United States District Judge  
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