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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 SORAYA BARKZAI,
12 Plaintiff,
13 v.
14 NANCY BERRYHILL, Acting
15 Commissioner of Social Security,
16 Defendant.

Case No.: 17-CV-1692 W (RNB)

ORDER:

(1) ADOPTING REPORT AND RECOMMENDATION [DOC. 19];

(2) DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [DOC. 13];

(3) GRANTING DEFENDANT'S CROSS-MOTION FOR SUMMARY JUDGMENT [DOC. 14]; AND

(4) DISMISSING CASE WITH PREJUDICE

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24 On August 22, 2017, Plaintiff Soraya Barkzai filed this action seeking judicial
25 review of the Social Security Commissioner's final decision denying her claim for
26 Supplemental Security Income. (*See Compl.* [Doc. 1].) The matter was referred to a
27 United States Magistrate Judge for a report and recommendation pursuant to 28 U.S.C. §
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1 636(b)(1). (*August 23, 2017 Order* [Doc. 4].) Thereafter, the parties filed cross-motions
2 for summary judgment. (*Pl. 's Mot.* [Doc. 13]; *Def. 's Mot.* [Doc. 14].)

3 On June 26, 2018, United States Magistrate Judge Robert Block issued a Report
4 and Recommendation (“R&R”) recommending that the Court deny Plaintiff’s motion for
5 summary judgment, grant Defendant’s motion for summary judgment, and dismiss this
6 action with prejudice. (*R&R* [Doc. 23] 10–11.) Judge Block ordered that any objections
7 to the R&R be filed within two weeks of service of the R&R—or July 10, 2018. (*See id.*)
8 No objections were filed. There has been no request for additional time to object.

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

25 In light of the foregoing, the Court accepts Judge Block’s recommendation and
26 **ADOPTS** the R&R [Doc. 19] in its entirety.

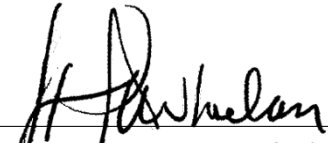
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1 For the reasons stated in the R&R, which is incorporated herein by reference, the
2 Court **DENIES** Plaintiff's motion for summary judgment [Doc. 13], **GRANTS**
3 Defendant's motion for summary judgment [Doc. 14], and **DISMISSES** this case with
4 prejudice.

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6 **IT IS SO ORDERED.**

7 Dated: July 23, 2018

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10 Hon. Thomas J. Whelan
11 United States District Judge
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