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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 STEPHANIE RAE VARAO,
12 Plaintiff,
13 v.
14 NANCY A. BERRYHILL, Acting
15 Commissioner of Social Security,
16 Defendant.
17

Case No.: 17CV2463-LAB (JLB)

**ORDER ADOPTING REPORT
AND RECOMMENDATION; AND**

**ORDER REVERSING THE
DECISION OF THE
ADMINISTRATIVE LAW JUDGE
AND REMANDING FOR
FURTHER PROCEEDINGS**

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19 Plaintiff Stephanie Rae Varao filed her complaint, seeking review of denial
20 of social security disability benefits. This matter was referred to Magistrate Judge
21 Robert N. Block for report and recommendation. After receiving briefing, on
22 August 3, Judge Block issued his report and recommendation (the "R&R"). It found
23 that the administrative law judge had erred in denying benefits, and recommended
24 reversing that judge's decision and remanding for further proceedings.

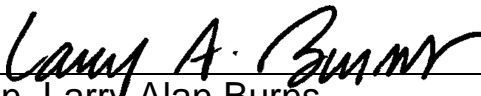
25 The deadline for objecting to the R&R has passed, and no objections were
26 filed. A district court has jurisdiction to review a Magistrate Judge's report and
27 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge
28 must determine de novo any part of the magistrate judge's disposition that has

1 been properly objected to.” *Id.* “A judge of the court may accept, reject, or modify,
2 in whole or in part, the findings or recommendations made by the magistrate
3 judge.” 28 U.S.C. § 636(b)(1). This section does not require some lesser review by
4 the district court when no objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149–
5 50 (1985). The “statute makes it clear that the district judge must review the
6 magistrate judge's findings and recommendations de novo if objection is made,
7 but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.
8 2003) (en banc) (emphasis in original).

9 The Court has reviewed the R&R, finds it to be correct, and **ADOPTS** it.
10 Plaintiff’s motion for summary judgment is **GRANTED** and Defendant’s cross-
11 motion is **DENIED**. The administrative law judge’s decision is **REVERSED** and
12 this case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further
13 proceedings to address and correct the errors the R&R has identified.

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15 **IT IS SO ORDERED.**

16 Dated: September 18, 2018

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20 Hon. Larry Alan Burns
21 United States District Judge
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