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7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA  
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10 HAL JAMES HLAVA,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Acting  
14 Commissioner of Social Security,

15 Defendant.

Case No.: 18-cv-228-WQH-LL

**ORDER**

16 HAYES, Judge:

17 The matter before the Court is the review of the Report and Recommendation issued  
18 by United States Magistrate Judge (ECF No. 27) recommending that Plaintiff’s motion for  
19 summary judgment (ECF No. 19) be denied and Defendant’s cross motion for summary  
20 judgment (ECF No. 25) be granted.

21 The duties of the district court in connection with a report and recommendation of a  
22 magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and 28 U.S.C. §  
23 636(b). The district judge must “make a de novo determination of those portions of the  
24 report . . . to which objection is made,” and “may accept, reject, or modify, in whole or in  
25 part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b). The  
26 district court need not review de novo those portions of a Report and Recommendation to  
27 which neither party objects. *See Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir.  
28 2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)

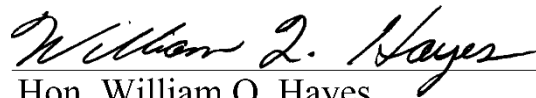
1 (“Neither the Constitution nor the [Federal Magistrates Act] requires a district judge to  
2 review, de novo, findings and recommendations that the parties themselves accept as  
3 correct.”).

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

6 IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 27) is  
7 adopted in its entirety.

8 IT IS FURTHER ORDERED that Plaintiff’s motion for summary judgment (ECF  
9 No. 19) is denied and Defendant’s cross motion for summary judgment (ECF No. 25) is  
10 granted. The Clerk is ordered to enter judgment against Plaintiff and in favor of Defendant.

11 Dated: August 2, 2019

  
12 Hon. William Q. Hayes  
13 United States District Court  
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