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

RYON ANDREW MITCHELL,  
Plaintiff,  
v.  
NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,  
Defendant.

Case No.: 18cv276-MMA (NLS)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE;**

[Doc. No. 19]

**DENYING PLAINTIFF’S MOTION  
FOR SUMMARY JUDGMENT; AND**

[Doc. No. 11]

**GRANTING DEFENDANT’S CROSS-  
MOTION FOR SUMMARY  
JUDGMENT**

[Doc. No. 14]

On February 6, 2018, Plaintiff Ryon Andrew Mitchell (“Plaintiff”) filed this social security appeal challenging the denial of his application for Supplemental Security Income (“SSI”). Doc. No. 1. The Court referred all matters arising in this appeal to the Honorable Nita L. Stormes, United States Magistrate Judge, for report and

1 recommendation pursuant to section 636(b)(1)(B) of title 28 United States Code and Civil  
2 Local Rule 72.1. *See* 28 U.S.C. § 636(b)(1)(B); S.D. Cal. Civ. R. 72.1; Doc. No. 3.

3 The parties have filed motions for summary judgment. Doc. Nos. 11, 14. On  
4 January 30, 2019, Judge Stormes issued a thorough and well-reasoned Report  
5 recommending that the Court deny Plaintiff’s motion and grant Defendant’s cross-  
6 motion. Doc. No. 19. Neither party objected to the Report and Recommendation and the  
7 time for filing objections has expired. *See id.* at 22 (“Any party may file written  
8 objections with the court and serve a copy on all parties on or before **February 14,**  
9 **2019.**”); *see also* Docket.

10 The duties of the district court in connection with a magistrate judge’s report and  
11 recommendation are set forth in Rule 72(b) of the Federal Rules of Civil Procedure and  
12 28 U.S.C. § 636(b)(1). Where the parties object to a report and recommendation  
13 (“R&R”), “[a] judge of the [district] court shall make a de novo determination of those  
14 portions of the [R&R] to which objection is made.” 28 U.S.C. § 636(b)(1); *see Thomas*  
15 *v. Arn*, 474 U.S. 140, 149-50 (1985). When neither party objects to an R&R, or to  
16 portions thereof, the district court is not required to conduct a de novo review, or “any  
17 review at all.” *Thomas*, 474 U.S. at 149; *see also Wang v. Masaitis*, 416 F.3d 992, 1000  
18 n.13 (9th Cir. 2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22 (9th Cir.  
19 2003) (en banc). A district judge may nevertheless “accept, reject, or modify, in whole or  
20 in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. §  
21 636(b)(1); *Wilkins v. Ramirez*, 455 F. Supp. 2d 1080, 1088 (S.D. Cal. 2006); *Or. Natural*  
22 *Desert Ass’n v. Rasmussen*, 451 F. Supp. 2d 1202, 1205 (D. Or. 2006).

23 The Court has considered the pleadings and memoranda of the parties as well as  
24 the administrative record, and has made a review and determination in accordance with  
25 the requirements of 28 U.S.C. § 636 and applicable case law. Accordingly:

26 1. The Court **ADOPTS** Judge Stormes’ Report and Recommendation [Doc.  
27 No. 19] in its entirety;  
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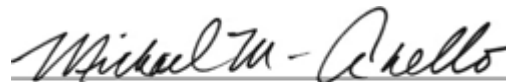
1           2.     The Court **DENIES** Plaintiff's Motion for Summary Judgment [Doc. No.  
2 11]; and

3           3.     The Court **GRANTS** Defendant's Cross-Motion for Summary Judgment  
4 [Doc. No. 14].

5           The Clerk of Court is instructed to enter judgment accordingly and close the  
6 appeal.

7           **IT IS SO ORDERED.**

8 Dated: February 21, 2019



Hon. Michael M. Anello  
United States District Judge

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