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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 Teresa Pacheco,

12 Plaintiff,

13 v.

14 Nancy Berryhill, Acting Commissioner of  
15 Social Security,

16 Defendant.

Case No.: 18-cv-0502-AJB-MSB

**ORDER:**

**(1) ADOPTING THE REPORT AND  
RECOMMENDATION (Doc. No. 15);**

**(2) GRANTING DEFENDANT’S  
MOTION FOR SUMMARY  
JUDGMENT (Doc. No. 12); and**

**(3) DENYING PLAINTIFF’S  
MOTION FOR REMAND (Doc. No.  
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21 Before the Court are cross-motions for summary judgment on Plaintiff’s request that  
22 the Court review the commissioner’s denial of her claim for social security benefits.  
23 (Doc. No. 1.) Although Plaintiff styled her motion as a motion for remand, it is essentially  
24 a summary judgment motion and is referred to as such in the R&R. (Doc. No. 15 at 1 fn.1.)  
25 The Court referred the matter to Magistrate Judge Block for a Report and Recommendation  
26 (“R&R”). (Doc. Nos. 6, 14.) The R&R recommends (1) granting defendant’s motion for  
27 summary judgment, (Doc. No. 12), and (2) denying plaintiff’s motion, (Doc. No. 10). The  
28 parties were instructed to file written objections to the R&R within fourteen days of being


1 served with a copy of the R&R. (Doc. No. 15 at 7.)

2 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district  
3 judge’s duties in connection with a magistrate judge’s R&R. The district judge must “make  
4 a de novo determination of those portions of the report . . . to which objection is made[,]”  
5 and “may accept, reject, or modify, in whole or in part, the findings or recommendations  
6 made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also United States v. Remsing*,  
7 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of objection(s), the Court “need  
8 only satisfy itself that there is no clear error on the face of the record in order to accept the  
9 recommendation.” Fed. R. Civ. P. 72(b) advisory committee note to the 1983 amendment;  
10 *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

11 Neither party has filed objections to Magistrate Judge Block’s R&R. Having  
12 reviewed the R&R, the Court finds it thorough, well-reasoned, and contains no clear error.  
13 Accordingly, the Court hereby: (1) **ADOPTS** Magistrate Judge Block’s R&R,  
14 (Doc. No. 15); (2) **GRANTS** Defendant’s summary judgment motion, (Doc. No. 12); and  
15 (3) **DENIES** Plaintiff’s summary judgment motion, (Doc. No. 10). The Court Clerk is  
16 instructed to close the case.

17 **IT IS SO ORDERED.**

18 Dated: January 31, 2019

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20 Hon. Anthony J. Battaglia  
21 United States District Judge  
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