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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 JOHN BENAVIDEZ, HEATHER  
12 BENAVIDEZ, J.C.B. a minor, and A.J.B.  
13 a minor,

14 Plaintiffs,

15 v.

16 COUNTY OF SAN DIEGO et al.,

17 Defendants.

Case No.: 3:18-cv-0558-CAB-(AGS)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION TO APPROVE  
MINORS' SETTLEMENT**

[Doc. Nos. 52, 54]

18 Petitioners John and Heather Benavidez, parents of Plaintiffs J.C.B. and A.J.B., who  
19 are minors, seek the Court's approval of J.C.B.'s and A.J.B.'s interests in a settlement of  
20 this action. [Doc. No. 52.] Their petition is unopposed. Magistrate Judge Andrew G.  
21 Schopler has filed a report and recommendation ("R&R") that the Court approve the  
22 settlement. [Doc. No. 54.] Judge Schopler's R&R set a deadline of February 28, 2022, for  
23 any objections to be filed. No objections were filed.

24 Federal Rule of Civil Procedure 72 and 28 U.S.C. § 636(b)(1) set forth the district  
25 court's duties concerning a magistrate judge's report and recommendation. The district  
26 court judge may accept, reject, or modify, in whole or in part, the magistrate judge's  
27 findings and recommended disposition. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1).  
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1 Section 636 “makes it clear that the district judge must review the magistrate judge’s  
2 findings and recommendations de novo *if objection is made*, but not otherwise. . . . Neither  
3 the Constitution nor the statute requires a district judge to review, de novo, findings and  
4 recommendations that the parties themselves accept as correct.” *United States v. Reyna-*  
5 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*emphasis in original*). “When no timely  
6 objection is filed, the court need only satisfy itself that there is no clear error on the face of  
7 the record in order to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee’s  
8 note (citing *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)).

9 Here, upon review of the petition for approval and supporting documents, along with  
10 the entire record in this case, the Court is satisfied that approval of the settlement with  
11 respect to the minor plaintiffs is warranted, and that there is no clear error on the face of  
12 the record or in Judge Schopler’s R&R that the Court approve the settlement. Accordingly,  
13 the Court **ADOPTS** the R&R and **GRANTS** the petition to approve J.C.B.’s and A.J.B.’s  
14 interests in the settlement of this case. J.C.B.’s and A.J.B.’s shares of the settlement shall  
15 be distributed as described in the petition [Doc. No. 52 at ¶ 17] and declaration of Plaintiffs’  
16 counsel [Doc. No. 52-1 at ¶ 28].

17 It is further **ORDERED** that the parties shall jointly move to dismiss this case on or  
18 before **April 18, 2022**.

19 It is **SO ORDERED**.

20 Dated: March 2, 2022



21  
22 Hon. Cathy Ann Bencivengo  
23 United States District Judge  
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