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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WILLIAM HENRY WEYANDT II
Plaintiff,
v.
COMMISSIONER OF SOCIAL SECURITY
Defendant.

Case No.: 18cv2443-LAB (RBM)
ORDER ADOPTING REPORT AND RECOMMENDATION;
ORDER GRANTING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT; AND
ORDER DENYING PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

Plaintiff William Weyandt, who is represented by counsel, brought this appeal of a denial of social security disability benefits. The matter was referred to Magistrate Judge Ruth Montenegro for a report and recommendation. The parties filed motions for summary judgment, and Judge Montenegro issued her report and recommendation (the “R&R”) on September 4, 2019. Objections to the R&R were due by September 18, 2019, but none have been filed.

A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P.

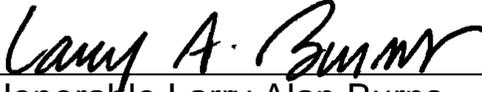
1 72(b). “The district judge must determine de novo any part of the magistrate judge’s
2 disposition that has been properly objected to.” *Id.* Section 636(b)(1) similarly
3 requires that a district judge “make a de novo determination of those portions of
4 the report or specified proposed findings or recommendations to which objection
5 is made.” “A judge of the court may accept, reject, or modify, in whole or in part,
6 the findings or recommendations made by the magistrate judge.” *Id.*

7 This section does not require some lesser review by the district court when
8 no objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). The “statute
9 makes it clear that the district judge must review the magistrate judge’s findings
10 and recommendations de novo *if objection is made*, but not otherwise.” *United*
11 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis
12 in original).

13 The Court has reviewed the unobjected-to R&R, finds it to be correct, and
14 **ADOPTS** it. Defendant’s motion for summary judgment is **GRANTED** and
15 Plaintiff’s motion for summary judgment is **DENIED**. The administrative law judge’s
16 decision is **AFFIRMED**. The Clerk is directed to enter judgment in favor of
17 Defendant and against Plaintiff, and to close the docket.

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19 **IT IS SO ORDERED.**

20 Dated: October 7, 2019

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23 Honorable Larry Alan Burns
24 Chief United States District Judge
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