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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PATRICIA CRAIG,

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of
Social Security,

Defendant.

Case No.: 19cv636 JM (JLB)

**ORDER: (1) ADOPTING REPORT
AND RECOMMENDATION; (2)
GRANTING PLAINTIFF’S MOTION
FOR SUMMARY JUDGMENT; AND
(3) DENYING DEFENDANT’S
CROSS MOTION FOR SUMMARY
JUDGMENT**

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Jill L. Burkhardt, filed on August 11, 2020, recommending that the court grant Plaintiff Patricia Craig’s motion for summary judgment, deny Defendant Commissioner’s cross-motion for summary judgment, and remand the case to the Social Security Administration for further proceedings. (Doc. No. 17.)

Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district court’s duties in connection with a magistrate judge’s report and recommendation. The district court must “make a de novo determination of those portion of the report to which objection is made,” and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); see also United States v. Raddatz, 447 U.S. 667, 673-76 (1980); United States v. Remsing, 874 F.2d 614,

1 617 (9th Cir. 1989). However, in the absence of timely objection, the Court “need only
2 satisfy itself that there is no clear error on the face of the record in order to accept the
3 recommendation.” Fed. R. Civ. P. 72 advisory committee’s note (citing *Campbel v. United*
4 *States Dist. Ct.*, 501 F.2d 196, 206 (9th Cir. 1974)); see also *United States v. Reyna-Tapia*,
5 328 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge must review the magistrate
6 judge’s findings and recommendations de novo if objection is made, but not otherwise.”).

7 Here, neither party has timely filed objections to Magistrate Judge Burkhardt’s
8 R&R. (See Doc. No. 17 at 46 (objections due by August 25, 2020).) Having reviewed the
9 R&R, the court finds that it is thorough, well-reasoned, and contains no clear error.
10 Accordingly, the court hereby: (1) **ADOPTS** Magistrate Judge Burkhardt’s report and
11 recommendation; (2) **GRANTS** Plaintiff’s motion for summary judgment (Doc. No. 10);
12 and (3) **DENIES** Defendant’s cross-motion for summary judgment (Doc. No. 12). This
13 case is **REMANDED** to the Social Security Administration for further proceedings.

14 This Order concludes the litigation in this matter. The Clerk shall close the file.

15 IT IS SO ORDERED.

16 Date: September 10, 2020

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Hon. Cathy Ann Bencivengo for

20 Hon. Jeffrey T. Miller, United States District Judge
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