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6 **UNITED STATES DISTRICT COURT**
7 **SOUTHERN DISTRICT OF CALIFORNIA**
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9 JAMES T.,

10 Plaintiff,

11 v.

12 KILOLO KIJAKAZI, Commissioner of
13 Social Security,

14 Defendant.¹

Case No. 21-cv-556-MMA (JLB)

**ORDER ADOPTING REPORT AND
RECOMMENDATION;**

[Doc. No. 18]

**GRANTING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT;**

[Doc. No. 13]

**AND REMANDING FOR FURTHER
ADMINISTRATIVE PROCEEDINGS**

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20 On March 30, 2021, Plaintiff James T. ("Plaintiff") filed this social security appeal
21 challenging the denial of an application for supplemental security income benefits. *See*
22 Doc. No. 1. The Court referred all matters arising in this appeal to the assigned
23 magistrate judge for report and recommendation pursuant to Section 636(b)(1)(B) of Title
24 28 of the United States Code, and Civil Local Rule 72.1. *See* 28 U.S.C. § 636(b)(1)(B);
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27 ¹ Kilolo Kijakazi is now the Acting Commissioner of Social Security. Therefore, pursuant to Federal
28 Rule of Civil Procedure 25(d), Kilolo Kijakazi is substituted for Andrew Saul as the defendant in this
suit. No further action needs to be taken, pursuant to the last sentence of section 205(g) of the Social
Security Act, 42 U.S.C. § 405(g).

1 S.D. Cal. CivLR 72.1. Plaintiff has moved for summary judgment. *See* Doc. No. 13.
2 Judge Burkhardt has issued a thorough and well-reasoned Report recommending that the
3 Court grant Plaintiff’s motion for summary judgment and remand the matter for further
4 administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). *See* Doc.
5 No. 18. Neither party objected to the Report and Recommendation. The time for filing
6 objections has expired.

7 The duties of the district court in connection with a magistrate judge’s report and
8 recommendation are set forth in Rule 72(b) of the Federal Rules of Civil Procedure and
9 28 U.S.C. § 636(b)(1). Where the parties object to a report and recommendation
10 (“R&R”), “[a] judge of the [district] court shall make a de novo determination of those
11 portions of the [R&R] to which objection is made.” 28 U.S.C. § 636(b)(1); *see Thomas*
12 *v. Arn*, 474 U.S. 140, 149-50 (1985). When no objections are filed, the district court need
13 not review the R&R de novo. *See Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir.
14 2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc).
15 A district judge may nevertheless “accept, reject, or modify, in whole or in part, the
16 findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see*
17 *also Wilkins v. Ramirez*, 455 F. Supp. 2d 1080, 1088 (S.D. Cal. 2006).

18 The Court has made a review and determination in accordance with the
19 requirements of 28 U.S.C. § 636 and applicable case law. Upon due consideration, the
20 Court **ADOPTS** Judge Burkhardt’s Report and Recommendation and **GRANTS**
21 Plaintiff’s motion for summary judgment. Accordingly, the Court **REMANDS** this
22 matter for further administrative proceedings consistent with this Court’s Order and
23 Judge Burkhardt’s Report and Recommendation. The Court **DIRECTS** the Clerk of
24 Court to enter judgment accordingly and close the case.

25 **IT IS SO ORDERED.**

26 DATE: September 15, 2022

27 
28 HON. MICHAEL M. ANELLO
United States District Judge