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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TURAYL P. A.,

Plaintiff,

v.

MARTIN O’MALLEY,
Commissioner of Social Security,

Defendant.

Case No.: 3:23-cv-1589-WQH-DTF

ORDER

HAYES, Judge:

The matter before the Court is the review of the Report and Recommendation issued by United States Magistrate Judge D. Thomas Ferraro, recommending that “the final decision of the Commissioner be reversed” and remanding the case for further proceedings. (ECF No. 16 at 21 (emphasis omitted).)

The duties of the district court in connection with a report and recommendation of a magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b). The district judge must “make a de novo determination of those portions 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.” 28 U.S.C. § 636(b)(1)(C). The district court need not review de novo those portions of a Report and Recommendation to which neither party objects. *See Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir.

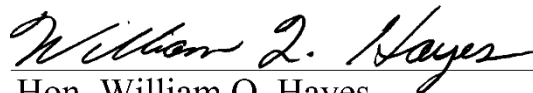
1 2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)
2 (“Neither the Constitution nor the [Federal Magistrates Act] requires a district judge to
3 review, de novo, findings and recommendations that the parties themselves accept as
4 correct.”).

5 No party has filed an objection to the Report and Recommendation. The Court has
6 reviewed the Report and Recommendation, the record, and the submissions of the parties.

7 IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 16) is
8 adopted in its entirety. The Court reverses the Commissioner’s final decision and remands
9 for further administrative proceedings consistent with the Report and Recommendation.

10 IT IS FURTHER ORDERED that the Joint Motion for Judicial Review of Final
11 Decision of the Commissioner of Social Security (ECF No. 13) is granted in part. Plaintiff’s
12 request to remand is granted, and the remainder of the Joint Motion is denied. The Clerk
13 of Court is ordered to enter judgment in favor of Plaintiff and against Defendant, reversing
14 the decision of the Commissioner and remanding the matter for further administrative
15 proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

16 Dated: July 29, 2024

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18 Hon. William Q. Hayes
19 United States District Court
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