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IN THE UNITED STATES DISTRICT COURT

PATRICK E. DUFFY, CLERK

FOR THE DISTRICT OF MONTANA

DEPUTY CLERK

BILLINGS DIVISION

DUSTIN A. HAGBERG,

)

Plaintiff,

)

vs.

)

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

)

Defendant.

)

)

CV-09-01-BLG-RFC-CSO

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE**

On September 10, 2009, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation (*Doc. 24*) on the parties' cross motions for summary judgment. Magistrate Judge Ostby recommends the Commissioner's motion (*Doc. 20*) be granted and that Hagberg's motion (*Doc. 17*) be denied.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, Plaintiff filed objections on September 18, 2009 (*Doc. 25*), to which Defendant responded on September 28, 2009 (*Doc. 26*). Plaintiffs' objections require this Court to make a *de novo* determination of those portions of the Findings and

Recommendations to which objection is made. 28 U.S.C. § 636(b)(1).

Plaintiff's objections must be overruled because they merely repeat the arguments already rejected by Judge Ostby. Objections to a magistrate's Findings and Recommendations are not a vehicle for the losing party to relitigate its case. *Camardo v. General Motors Hourly-Rate Employees Pension Plan*, 806 F. Supp. 380, 382 (W.D.N.Y. 1992). Congress created magistrate judges to provide district judges "additional assistance in dealing with a caseload that was increasing far more rapidly than the number of judgeships." *Thomas v. Arn*, 474 U.S. 140, 153 (1985) (internal quotations omitted). There is no benefit if the district courts is required to review the entire matter *de novo* because the objecting party merely repeats the arguments rejected by the magistrate. In such situations, this Court follows other courts that have overruled the objections without analysis. *See Sullivan v. Schiro*, 2006 WL 1516005, *1 (D. Ariz. 2006)(collecting cases).


This conclusion, however, does not relieve the Court of its duty to review *de novo* Magistrate Judge Ostby's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989) (the failure to file objections only relieves the trial court of its burden to give *de novo* review to factual findings; conclusions of law must still be reviewed *de novo*) overruled on other grounds by *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996). Here, Magistrate Judge

Ostby correctly concluded that the Administrative Law Judge's conclusions are supported by the record and are not based on legal error. *See Thomas v. Barnhart*, 278 F.3d 947, 954 (9th Cir. 2002).

After a de novo review, the Court concludes Magistrate Judge Ostby's Findings and Recommendations (*Doc. 24*) are well-grounded in law and fact and are adopted in their entirety. The Commissioner's motion for summary judgment (*Doc. 20*) is **GRANTED**, while Hagberg's motion (*Doc. 17*) is **DENIED**.

IT IS SO ORDERED.

DATED this 14th day of October 2009.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE