

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ROBIN P. POGUE,  
4 Plaintiff  
5 v.  
6 COMMISSIONER OF SOCIAL SECURITY,  
7 Defendant

Case No.: 2:17-cv-00251-APG-GWF


**Order Accepting Report and  
Recommendation, Denying Motion to  
Reverse or Remand, and Granting Motion  
to Affirm**

[ECF Nos. 20, 23, 27]

8 On April 26, 2019, Magistrate Judge Foley recommended that I deny the plaintiff’s  
9 motion to reverse or remand and grant the defendant’s motion to affirm. ECF No. 27. Plaintiff  
10 Robin Pogue did not file an objection. Thus, I am not obligated to conduct a de novo review of  
11 the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de  
12 novo determination of those portions of the report or specified proposed findings to which  
13 objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en  
14 banc) (“the district judge must review the magistrate judge’s findings and recommendations de  
15 novo *if objection is made*, but not otherwise” (emphasis in original)).

16 IT IS THEREFORE ORDERED that Magistrate Judge Foley’s report and  
17 recommendation (**ECF No. 27**) is **accepted**, the plaintiff’s motion for reversal or remand (**ECF**  
18 **No. 20**) is **DENIED**, and the defendant’s motion to affirm (**ECF No. 23**) is **GRANTED**. The  
19 clerk of court is instructed to enter judgment in favor of the defendant and against the plaintiff.

20 DATED this 15th day of May, 2019.

21   
22 ANDREW P. GORDON  
23 UNITED STATES DISTRICT JUDGE