

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DENNIS M. DAL SANTO,

Plaintiff

v.

NANCY A. BERRYHILL,

Defendant

Case No.: 2:17-cv-02157-APG-VCF

**Order Accepting Report and
Recommendation, Denying Motion for
Summary Judgment, and Granting Motion
to Affirm**

[ECF Nos. 18, 19, 24]

On December 17, 2019, Magistrate Judge Ferenbach recommended that I deny plaintiff Dennis Dalsanto's motion for remand and grant the defendant's motion for summary judgment. ECF No. 24. Dalsanto did not file an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Ferenbach's report and recommendation (ECF No. 24) is **accepted**, plaintiff Dennis Dalsanto's motion for summary judgment (ECF No. 18) is **DENIED**, and defendant Nancy A. Berryhill's motion to affirm (ECF No. 19) is **GRANTED**. The clerk of court is instructed to enter judgment in favor of the defendant and against the plaintiff, and to close this case.

DATED this 9th day of January, 2020.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE