

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 VIOLA GARCIA,

4 Plaintiff

5 v.

6 NANCY A. BERRYHILL,

7 Defendant

Case No.: 2:18-cv-00631-APG-NJK

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

[ECF Nos. 19, 22, 24]

8
9 On December 17, 2018, Magistrate Judge Koppe recommended that I deny plaintiff Viola
10 Garcia's motion to remand and grant the defendant's motion to affirm. ECF No. 24. Garcia did
11 not file an objection. Thus, I am not obligated to conduct a de novo review of the report and
12 recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo
13 determination of those portions of the report or specified proposed findings to which objection is
14 made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the
15 district judge must review the magistrate judge's findings and recommendations de novo *if*
16 *objection is made*, but not otherwise" (emphasis in original)).

17 IT IS THEREFORE ORDERED that Magistrate Judge Koppe's report and
18 recommendation (**ECF No. 24**) is **accepted**, plaintiff Viola Garcia's motion to remand (**ECF No.**
19 **19**) is **DENIED**, and defendant's motion to affirm (**ECF No. 22**) is **GRANTED**. The clerk of
20 court is instructed to enter judgment in favor of the defendant and against the plaintiff.

21 DATED this 3rd day of January, 2019.

22
23 
ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE