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APR 21 2010

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RUTH HEYL,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Defendant.

3:09-CV-249-RCJ(VPC)

ORDER

Before the Court is Plaintiff's Objections to Report and Recommendation of United States Magistrate Judge (#15) filed on March 15, 2010. This action was referred to U.S. Magistrate Judge Valerie P. Cooke pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted her Report and Recommendation (#14) on February 26, 2010, recommending that this Court enter an order denying Plaintiff's Motion for Reversal of the Commissioner's Decision and Points and Authorities in Support Thereof (#11) and granting Defendant's Cross-Motion for Summary Judgment and Memorandum in Support Thereof and in Opposition to Plaintiff's Motion for Reversal of the Commissioner's Decision (#12/13). Defendant's Response/Corrected Response to Plaintiff's Objections to the Report and Recommendation of U.S. Magistrate Judge (#16/17) was filed on March 18, 2010.

I. ANALYSIS

A. Review of Magistrate Judge's Order

Pursuant to 28 U.S.C. § 636(b)(1)(c) and LR IB 3-2, a party may file specific written objections to the findings and recommendations of a magistrate judge made pursuant to LR IB 1-4. The district court must make a *de novo* determination of those portions of the

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1 magistrate judge's report to which objection is made and may accept, reject, or modify, in
2 whole or in part, the findings or recommendations made by the magistrate judge. LR IB 3-2(b).
3 *De novo* review means the court must consider the matter anew, the same as if it had
4 not been heard before and as if no decision previously had been rendered. Ness v.
5 Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992). Thus, although the district court need
6 not hold a *de novo* hearing, the court's obligation is to arrive at its own independent conclusion
7 about those portions of the magistrate judge's findings or recommendation to which objections
8 are made. United States v. Remsing, 874 F.2d 614, 617 (9th Cir. 1989).

9 After conducting a *de novo* review of the record, the Court accepts and adopts the
10 Magistrate Judge's Report and Recommendation (#14).

11 III. CONCLUSION

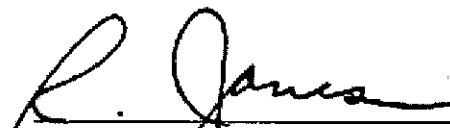
12 The Magistrate Judge therefore properly found that the ALJ's decision was supported
13 by substantial evidence, accordingly,

14 IT IS HEREBY ORDERED that Plaintiff's Motion for Reversal of the Commissioner's
15 Decision and Points and Authorities in Support Thereof (#11) is DENIED.

16 IT IS FURTHER ORDERED that Defendant's Cross-Motion for Summary Judgment and
17 Memorandum in Support Thereof and in Opposition to Plaintiff's Motion for Reversal of the
18 Commissioner's Decision (#12/13) is GRANTED. The Clerk of the Court shall enter judgment
19 accordingly.

20 IT IS SO ORDERED.

21 DATED: This, 31st day of April, 2010.

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25 Robert C. Jones
26 UNITED STATES DISTRICT JUDGE
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