

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

IDA WILLIAMS-MOORE,

Plaintiff,

v.

CAROLYN COLVIN, Acting Commissioner
of Social Security,

Defendant.

Case No. 3:12-cv-00163-MMD-VPC
ORDER ACCEPTING REPORT AND
RECOMMENDATION

Before the Court is Magistrate Judge Valerie P. Cooke’s Report and Recommendation (“R&R”) (dkt. no. 27), regarding Ida Williams-Moore’s Motion to Remand (dkt. no. 18) and Defendant Carolyn Colvin’s Cross Motion For Summary Judgment (dkt. no. 22). Plaintiff did not reply to the Cross-Motion for Summary Judgment. Judge Cooke entered the R&R on September 24, 2013. The Court allowed Plaintiff to file any objections by October 11, 2013 (dkt. no. 23). No objections were filed.


This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s

1 report and recommendation where no objections have been filed. See *United States v.*
2 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
3 employed by the district court when reviewing a report and recommendation to which no
4 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
5 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
6 district courts are not required to review "any issue that is not the subject of an
7 objection"). Thus, if there is no objection to a magistrate judge's recommendation, then
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
10 which no objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
12 order to determine whether to adopt the R&R. The R&R finds that the ALJ's decision to
13 uphold the denial of Plaintiff's disability claims was supported by substantial evidence on
14 the record. The R&R thus recommends that the Court deny Plaintiff's motion to remand
15 for a new hearing (dkt. no. 18) and grant Defendant's Cross Motion for Summary
16 Judgment (dkt. no. 22). Upon review of the R&R and the record in this case, the Court
17 determines that it is appropriate to adopt the R&R in full.

18 It is hereby ordered that the R&R (dkt. no. 27) is accepted and adopted. Plaintiff's
19 Motion to Remand (dkt. no. 18) is denied and Defendant's Cross-Motion For Summary
20 Judgment (dkt. no. 22) is granted.

21 DATED THIS 19th day of November 2013.

22
23 
24 _____
25 MIRANDA M. DU
26 UNITED STATES DISTRICT JUDGE
27
28