

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

\* \* \*

CONNIE LAWRENCE,

Plaintiff,

v.

CAROLYN COLVIN, Acting Commissioner  
of Social Security,

Defendant.

Case No. 3:15-cv-0098-MMD-VPC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
VALERIE P. COOKE

Before the Court is Magistrate Judge Valerie P. Cooke's Report and Recommendation ("R&R" or "Recommendation") (dkt. no. 21), regarding Plaintiff Connie Lawrence's motion for remand or reversal (dkt. no. 14) and Defendant Carolyn Colvin's opposition and cross motion to affirm (dkt. nos. 17, 18). Judge Cooke entered the R&R on February 11, 2016. The Court allowed Plaintiff to file any objections by February 28, 2016 (dkt. no. 21). To date, no objections have been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 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

1 magistrate judge's report and recommendation where no objections have been filed. See  
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
3 of review employed by the district court when reviewing a report and recommendation to  
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
6 view that 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. Upon review of the R&R and the records  
13 in this case, the Court agrees with the Magistrate Judge and will adopt the R&R in full.

14 It is hereby ordered that the R&R (dkt. no. 21) is accepted and adopted.


15 It is further ordered that Plaintiff's motion for remand/reversal (dkt. no. 14) is  
16 denied.

17 It is further ordered that Defendant's cross-motion to affirm (dkt. no. 17) is  
18 granted.

19 The Clerk is directed to enter judgment in favor of Defendant and close this case

20 DATED THIS 11<sup>th</sup> day of April 2016.

21  
22  
23  
24  
25  
26  
27  
28

  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE