

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHERYL LAGO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 3:15-cv-00603-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 20) ("R&R") relating to Plaintiff Cheryl Lago's Motion for Reversal and/or Remand (ECF No. 15) and Defendant Carolyn Colvin's Cross Motion to Affirm (ECF No. 18). The Magistrate judge recommends denying Plaintiff's Motion for Reversal and/or Remand and granting Defendant's Cross Motion to Affirm. Plaintiff, who is proceeding pro se, had until October 6, 2016, to object to the R&R. To date, no objection has 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).

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

12 Nevertheless, considering Lago's pro se status, this Court finds it appropriate to
13 engage in a *de novo* review to determine whether to adopt Magistrate Judge Cobb's
14 R&R. The Magistrate Judge reviewed the Administrative Law Judge's (ALJ's) decision
15 and found it was supported by substantial evidence in the record. (ECF No. 20 at 7-14.)
16 Upon reviewing the R&R and underlying briefs, this Court finds good cause to adopt the
17 Magistrate Judge's R&R in full.

18 It is therefore ordered, adjudged and decreed that the Report and
19 Recommendation of Magistrate Judge William G. Cobb (ECF No. 20) be accepted and
20 adopted in its entirety. It is ordered that Plaintiff's Motion for Reversal and/or Remand
21 (ECF No. 15) is denied and Defendant's Cross Motion to Affirm (ECF No. 18) is granted.

22 The Clerk is directed to enter judgment in accordance with this Order and close
23 this case.

24 DATED THIS 10th day of October 2017.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE