UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

MICHAEL PAUL SCARLETT,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting Commissioner of Social Security Administration,

Defendant.

Case No. 3:16-cv-00320-MMD-WGC

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

Before the Court is Magistrate Judge William G. Cobb's Report and Recommendation ("R&R") (ECF No. 18), regarding Plaintiff's Motion for Reversal and/or Remand (ECF No. 13, 14 (brief)) and Defendant Commissioner's Cross-Motion to affirm and opposition to Plaintiff's Motion for Reversal and Remand (ECF No. 16). The Court allowed Plaintiff to file an objection by July 31, 2017 (ECF No. 18). 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). Indeed,

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

Nevertheless, this Court finds it appropriate to engage in a *de novo* review in order to determine whether to adopt the R&R. The R&R finds that the ALJ did not err assessing Plaintiff's mental limitations and in assigning only some weight to opinion of the Social Security Administration's consultative examining physician (Dr. Corson). (ECF No 18.) Upon review of the R&R and the records in this case, the Court finds good cause to adopt the R&R in full.

It is therefore ordered that the R&R (ECF No. 18) is accepted and adopted in full.

It is further ordered that Plaintiff's Motion for Reversal and/or Remand (ECF No. 13) is denied.

It is further ordered that The Commissioner's Cross-Motion to Affirm (ECF No. 16) is granted.

The Clerk is directed to enter judgment consistent with this Order and close this case.

DATED THIS 14th day of August 2017.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE