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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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KATHY R. GRAY MATHENY,

Case No. 3:17-cv-00016-MMD-VPC

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Plaintiff,

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v.

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

11

NANCY A. BERRYHILL, Acting

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Commissioner of Social Security,

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Defendant.

14 Before the Court is Magistrate Judge Valerie P. Cooke's Report and
15 Recommendation ("R&R") (ECF No. 25), regarding Plaintiff Kathy R. Gray Matheny's
16 motion for reversal and/or remand ("Plaintiff's Motion") (ECF No. 22) and Defendant's
17 cross-motion to affirm ("Defendant's Motion") (ECF No. 23). The Magistrate Judge
18 recommended denying Plaintiff's Motion and granting Defendant's Motion. (ECF No. 25)
19 Plaintiff had until December 20, 2017, to file any objection. To date, no objection has been
20 filed.

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

1 judge's report and recommendation where no objections have been filed. See *United
2 States v. 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 objection").
7 Thus, if there is no objection to a magistrate judge's recommendation, then the court may
8 accept the recommendation without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226
9 (accepting, without review, a magistrate judge's recommendation to which no objection
10 was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in order
12 to determine whether to adopt the R&R. Upon review of the R&R and the records in this
13 case, the Court agrees with the Magistrate Judge and adopts the R&R in full.

14 It is hereby ordered that the R&R (ECF No. 25) is accepted and adopted in full.
15 Plaintiff's motion for remand or reversal (ECF No. 22) is denied and defendant's cross-
16 motion to affirm (ECF No. 23) is granted.

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

18 DATED THIS 9th day of January 2018.



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20 MIRANDA M. DU
21 UNITED STATES DISTRICT JUDGE
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