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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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JOHN MARK GREENER,

Case No. 3:17-cv-00631-MMD-WGC

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Plaintiff,

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

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v.

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NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,

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Defendant.

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Before the Court is Magistrate Judge William G. Cobb's Report and Recommendation ("R&R") (ECF No. 22) relating to Plaintiff's pro se opening brief, which Judge Cobb construed as a motion for reversal and/or remand (ECF No. 16) and Defendant's response and cross-motion to affirm (ECF Nos. 20, 21). Judge Cobb recommended granting Plaintiff's motion for remand, denying Defendant's cross-motion, and remanding this case. (ECF No. 22.) Defendant had until February 8, 2019, to object. (Id.) To date, no objections have been filed.

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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." *Id.* 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

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

12 Nevertheless, this Court finds it appropriate to engage in a de novo review in order
13 to determine whether to adopt the R&R. Upon review of the R&R and the records in this
14 case, the Court finds good cause to adopt the R&R in full.

15 It is therefore ordered that the R&R (ECF No. 22) is accepted and adopted.


16 It is further ordered that Plaintiff's motion to remand (ECF No. 16) is granted.

17 It is further ordered that Defendant's cross-motion to affirm (ECF No 20) is denied.

18 This case is remanded for further proceedings consistent with Judge Cobb's R&R.

19 The Clerk is instructed to enter judgment in accordance with this order and close
20 this case.

21 DATED THIS 20th day of February 2019.

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24 _____
25 MIRANDA M. DU
26 UNITED STATES DISTRICT JUDGE
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