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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 KERRI A. OSEGUERA,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE,

14 Defendant.

CASE NO. C12-0589JLR

ORDER ADOPTING REPORT  
AND RECOMMENDATION

15 This matter comes before the court on the Report and Recommendation of United  
16 States Magistrate Brian A. Tsuchida (Rpt. & Rec. (Dkt. # 19)) (“R&R”), and Ms.  
17 Oseguera’s objections thereto (Objections (Dkt. # 20)). Having carefully reviewed all of  
18 the foregoing, along with all other relevant documents and the governing law, the court  
19 ADOPTS the R&R (Dkt. # 19), AFFIRMS the decision of the Commissioner, and  
20 ORDERS the Clerk to direct copies of this Order to all counsel and to Judge Tsuchida.

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## I. BACKGROUND

Plaintiff is a former Snohomish County prosecutor challenging a disability determination made by an administrative law judge (“ALJ”). Plaintiff alleges she is disabled because she abuses alcohol and has a depressive disorder, an adjustment disorder, an anxiety disorder, and a personality disorder. She applied for disability benefits but was denied, requested reconsideration and was denied, then requested a hearing in front of an ALJ. After the hearing, the ALJ denied her application again, finding that she was impaired but that if she ceased abusing alcohol she could perform her job. The ALJ also found much of Plaintiff’s testimony not credible due to inconsistent statements. Plaintiff appealed to the Appeals Council, which denied her request for review, and finally she appealed to this court. Judge Tsuchida considered the appeal and issued an R&R recommending that this court affirm the decision below.

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## II. STANDARD OF REVIEW

A district court has jurisdiction to review a Magistrate Judge’s report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). “The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” *Id.* “A judge of the 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). The court reviews de novo those portions to which specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). “The statute makes it clear that the district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise.” *Id.*

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### III. DISCUSSION

None of Plaintiff's objections raise novel issues that were not addressed by Judge Tsuchida's R&R. The court has thoroughly examined the R&R, finds it persuasive, and adopts its reasoning. Although Plaintiff may disagree with the ALJ's conclusions, and with the result reached by the R&R, Plaintiff's objection contains no factual basis or discussion of relevant law that would justify rejecting the ALJ's sound reasoning.

Plaintiff essentially reargues the arguments she made to Judge Tsuchida, and the court independently rejects them for the same reasons as Judge Tsuchida. Plaintiff asks the court to overturn the ALJ's factual findings and credibility determinations, arguing that they are not supported by substantial evidence. The court has reviewed the record and concludes that substantial evidence supports all of the ALJ's findings.

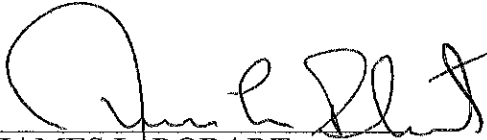
### IV. CONCLUSION

13 For the foregoing reasons, the court hereby ORDERS as follows:

- 14 (1) The court ADOPTS the R&R (Dkt. # 19) in its entirety;
- 15 (2) The court AFFIRMS the decision of the Commissioner in this case; and
- 16 (3) The court DIRECTS the Clerk to send copies of this Order to Plaintiff, to counsel for  
17 respondent and to Magistrate Judge Tsuchida.

18 Dated this 1<sup>st</sup> day of February, 2013.

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JAMES L. ROBART  
United States District Judge