

1 THE HONORABLE JOHN C. COUGHENOUR

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

9 RHONDA P. BROWN,

10 Plaintiff,

11 v.

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13 MICHAEL J. ASTRUE, Commissioner of
Social Security,

14 Defendant.

CASE NO. C12-5233-JCC

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE

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16 This matter comes before the Court on the Report and Recommendation of the Honorable
17 Brian A. Tsuchida, United States Magistrate Judge (Dkt. No. 25). Because Plaintiff's objections
18 to the Report and Recommendation were not timely filed, they are not entitled to *de novo* review,
19 and the Court may adopt the Report and Recommendation if it is satisfied there is no clear error
20 on the face of the record. Fed. R. Civ. P. 72(b)(2)–(3) and Advisory Committee's Notes; 28
21 U.S.C. § 636(b)(1) ("Within fourteen days after being served with a copy, any party may serve
22 and file written objections to [the] proposed findings and recommendations"); *see, e.g., Gonzales*
23 *v. Harris*, 514 F. Supp. 991, 994 (E.D. Cal. 1981) (objecting party not entitled to *de novo* review
24 of magistrate judge's recommendations where objections were filed one day late); *accord*
25 *Escobar v. Reid*, 668 F. Supp. 2d 1260, 1313 (D. Colo. 2009) ("A party's failure to serve and file
26 specific, written objections waives *de novo* review of the Report and Recommendation by the

1 district judge”) (citing Fed. R. Civ. P. 72(b)); *cf. Miranda v. Anchondo*, 684 F.3d 844, 848
2 (9th Cir. 2012) (implying that where, as here, objections are untimely, district court may, but is
3 not required to, “address[] [the] objections on their merits”).

4 Even if the Court were to consider Plaintiff’s objections, it would reject them for the
5 reasons raised in the Commissioner’s response—in particular, because, “[r]ather than directing
6 this Court to specific errors in the R&R, Plaintiff largely repeats the same arguments the
7 magistrate judge considered and rejected.” (Dkt. No. 28 at 2.) Therefore, the Court, having
8 carefully considered Plaintiff’s complaint, the parties’ briefs, the Report and Recommendation,
9 and the balance of the record, and finding no clear error in the Report and Recommendation,
10 does hereby find and ORDER:

- 11 (1) The Report and Recommendation (Dkt. No. 25) is ADOPTED;
12 (2) The final decision of the Commissioner is AFFIRMED;
13 (3) This case is DISMISSED with prejudice; and
14 (4) The Clerk of the Court is directed to send copies of this order to the parties and to
15 Judge Tsuchida.

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17 DATED this 3rd day of December 2012.
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John C. Coughenour
UNITED STATES DISTRICT JUDGE