



Miller v. Astrue

2014 | Cited 0 times | S.D. California | June 26, 2014

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' .. v o.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA STEVE JASON
MILLER, CASE NO. 13-CV-238-BEN (NLS)

Plaintiff, ORDER:

(1) ADOPTING REPORT AND RECOMMENDATION vs.

(2) DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT MICHAEL J. AS TRUE (3)
GRANTING DEFENDANT'S Commissioner of Social Security, FOR SUMMARY

,Defendant. [Docket Nos. 21, 23, 24]

On January 29, 2013, Plaintiff Steve Jason Miller commenced an action seeking judicial review of a decision of the Commissioner of Social Security denying Plaintiff's application for Disabled Adult Child benefits. (Docket No. 1). Plaintiff filed a Motion for Summary Judgment on January 27, 2014. (Docket No. 21). Defendant filed a Cross-Motion for Summary Judgment on February 27, 2014. (Docket No. 23). On June 9, 2014, Magistrate Judge Nita L. Stormes issued a thoughtful and thorough Report and Recommendation recommending that Plaintiff's Motion for Summary Judgment be denied and Defendant's Cross-Motion for Summary Judgment be granted. (Docket No. 24). Any objections to the Report and Recommendation were due June



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.... --:':- ." 23, 2014. (Jd.) Neither party has filed any objections. For the relsonstpat,follow, the

0 Report and Recommendation is ADOPTED. ." -:.

- A district judge "may accept, reject, or modify the recoIIIJlendedddisposition" of a magistrate judge on a dispositive matter. FED. R. CIV. P.- 72(b)(3); see also 28 U.S.C. § 636(b)(I). "The district judge must determine de novo any part of the [report and recommendation] that has been properly objected to." FED. R. CIV. P. 72(b)(3}.

.. However, "[t]he 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." United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en bane) (emphasis in original); see also Wang v. Masaitis, 416 F.3d 992, 1000 n.13 (9th Cir. 2005). "Neither the Constitution nor the statute requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct." Reyna-Tapia, 328 F.3d at 1121.

In the absence of any objections, the Court fully ADOPTS Judge Report and Recommendation. Defendant's Cross-Motion for Summary Judgment is GRANTED, and Plaintiffs Motion for Summary Judgment is DENIED.

IT IS SO ORDERED.

DATED:

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