

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Teresa P. v. Commissioner of Social Security

Teresa P. · No. 24-cv-00100-AJB-DDL · Decided February 24, 2025

SUMMARY

The United States District Court for the Southern District of California adopts a magistrate judge’s Report and Recommendation in a Social Security appeal. Because neither party objected and the court found no clear error, it remands the action to the Commissioner for further proceedings under 42 U.S.C. § 405(g).

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Anthony J. Battaglia
JURISDICTION	United States District Court for the Southern District of California
DECIDED	February 24, 2025
DOCKET	24-cv-00100-AJB-DDL
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Social Security appeal in which the district court reviewed a magistrate judge's Report and Recommendation recommending remand to the Commissioner. Neither party objected to the Report and Recommendation.
STANDARD OF REVIEW	When no party objects to a magistrate judge's Report and Recommendation, the district court need only determine whether there is clear error on the face of the record before accepting the recommendation. Portions to which an objection is made receive de novo review under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	Unknown
PARTIES	Teresa P. v. Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- civil procedure

PRACTICE AREAS

Social Security

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. What standard of review applies when neither party objects to a magistrate judge's Report and Recommendation?
2. Whether the court should adopt the magistrate judge's Report and Recommendation and remand the Social Security action for further administrative proceedings.

HOLDINGS

1. When neither party objects to a magistrate judge's Report and Recommendation, the district court need only determine that there is no clear error on the face of the record before accepting the recommendation.
2. The court adopted the magistrate judge's Report and Recommendation and remanded the action to the Commissioner for further review pursuant to 42 U.S.C. § 405(g).

KEY QUOTATIONS

“However, in the absence of objection(s), the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”” (at 1)

FACTUAL BACKGROUND

Teresa P. brought a Social Security appeal against the Commissioner of Social Security. The magistrate judge recommended remanding the matter to the Commissioner for further administrative action. Neither party filed objections to the Report and Recommendation.

PROCEDURAL HISTORY

Plaintiff appealed a Social Security matter to the district court, which referred the case to Magistrate Judge David D. Leshner. The magistrate judge recommended remand for further administrative action. After the objection period expired without objections, the district court reviewed the recommendation for clear error, adopted it, and remanded the action to the Commissioner.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The action was remanded to the Commissioner for further administrative action and review pursuant to 42 U.S.C. § 405(g).

CASES CITED

- United States v. Remsing, 874 F.2d 614, 617 (9th Cir. 1989)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)

OPINION

Perez v. Commissioner of Social Security

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 TERESA P., Case No.: 24-cv-00100-AJB-DDL Plaintiff, 12 ORDER: v. 13

(1) ADOPTING REPORT AND

COMMISSIONER OF SOCIAL

14 RECOMMENDATION;

SECURITY,

15 Defendant.

(2) REMANDING ACTION FOR

16 FURTHER PROCEEDINGS

17 (Doc. Nos. 10, 16) 18 19 Presently before the Court is Plaintiff Teresa P.'s social security
appeal. (Doc.

20 No. 10.) The Court referred the matter to Magistrate Judge David D. Leshner for a Report

21 and Recommendation ("R&R"). (Doc. No. 16.) The R&R recommends remanding the 22
matter back to the Commissioner for further administrative action. (Id. at 1, 14.) The 23 parties

were instructed to file written objections to the R&R no later than February 13, 24 2025, and
replies no later than February 20, 2025. (Id. at 14.) 25 Federal Rule of Civil Procedure 72(b) and

28 U.S.C. § 636(b)(1) set forth a district 26 judge's duties in connection with a magistrate judge's
R&R. The district judge must "make 27 a de novo determination of those portions of the report . . .

to which objection is made[.]" 28 and "may accept, reject, or modify, in whole or in part, the
findings or recommendations 1 made by the magistrate judge." 28 U.S.C. § 636(b)(1); see also

United States v. Remsing, 2 || 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of
objection(s), the Court "need 3 || only satisfy itself that there is no clear error on the face of the

record in order to accept the 4 || recommendation." Fed. R. Civ. P. 72(b) advisory committee note
to 1983 amendment; see 5 || also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir.

2003). 6 Neither party has filed objections to the R&R. Having reviewed the R&R, the Court 7
finds it thorough, well-reasoned, and contains no clear error. Accordingly, the Court 8 || hereby: (1)

ADOPTS Magistrate Judge Leshner's R&R, (Doc. No. 16); and 9 || (2) REMANDS the case back
to the Commissioner for further review pursuant to 42 10 U.S.C. § 405(g). 11 12 IT IS SO

ORDERED. 13 Dated: February 23, 2025 © ¢ 14 Hon. Anthony J. attaglia 15 United States
District Judge 16 17 18 19 20 21 22 23 24 25 26 27 28

