

**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).

OPINION

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