

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

Carlos S. v. Commissioner of Social Security

Carlos S. · No. 24-cv-1432-WQH-BLM · Decided July 10, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 CARLOS S., Case No.: 24-cv-1432-WQH-BLM Plaintiff, 12 ORDER v. 13
14 COMMISSIONER OF SOCIAL SECURITY, 15 Defendant. 16 HAYES, Judge: 17 The matter
before the Court is the review of the Report and Recommendation issued 18 by United States
Magistrate Judge Barbara Lynn Major, recommending that the 19 Commissioner’s decision be
reversed in part and that the case be remanded for further 20 proceedings.

(ECF No. 13 at 1.) 21 The duties of the district court in connection with a report and
recommendation of a 22 magistrate judge are set forth in Federal Rule of Civil Procedure 72(b)
and 28 U.S.C. 23 § 636(b). The district judge must “make a de novo determination of those
portions of the 24 report ... to which objection is made,” and “may accept, reject, or modify, in
whole or in 25 part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)
(1)(C).

26 The district court need not review de novo those portions of a report and recommendation 27 to
which neither party objects. See *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 28 1 ||2005);
United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) 2 ||(“Neither the
Constitution nor the [Federal Magistrates Act] requires a district judge to 3 ||review, de novo,
findings and recommendations that the parties themselves accept as 4 || correct.”).

5 No party has filed an objection to the Report and Recommendation. The Court has 6 || reviewed
the Report and Recommendation, the record, and the submissions of the parties. 7 IT IS HEREBY
ORDERED that the Report and Recommendation (ECF No. 13) is 8 || adopted in its entirety.

The Court reverses the Commissioner’s final decision and remands 9 further administrative
proceedings consistent with the Report and Recommendation. 10 || The Clerk of Court is ordered
to enter judgment in favor of Plaintiff and against Defendant, 11 ||reversing the decision of the
Commissioner in part and remanding the matter for further 12 ||administrative proceedings
pursuant to sentence four of 42 U.S.C. § 405(g).

13 14 || Dated: July 10, 2025 Nitta Z. Ma 15 Hon, William Q. Hayes 16 United States District
Court 17 18 19 20 21 22 23 24 25 26 27 28

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