

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Tiana Dannella Sara B. v. Frank Bisignano

Tiana Dannella Sara B. · No. 2:24-cv-05590-FWS-JC · Decided July 28, 2025

OPINION

Tiana Dannella Sara Brown v. Michelle King

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 Case No. 2:24-cv-05590-FWS-JC 11

12 TIANA DANNELLA SARA B.,1 ORDER ACCEPTING FINDINGS,

13 CONCLUSIONS AND

Plaintiff, RECOMMENDATIONS OF UNITED

14 STATES MAGISTRATE JUDGE [24]

15 v. AND OVERRULING OBJECTIONS

[25]

16

FRANK BISIGNANO,2

17 COMMISSIONER OF SOCIAL

SECURITY ADMINISTRATION,

18 19 Defendant. 20 21 22 23 1 Plaintiff's name is partially redacted to protect Plaintiff's privacy
in compliance with 24 Federal Rule of Civil Procedure 5.2(c)(2)(B) and the recommendation of
the Committee on Court Administration and Case Management of the Judicial Conference 25 of
the United States. 26 2 On June 23, 2025, the court substituted Frank Bisignano as Defendant in
this case. (See Dkt. 22 ("Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, 27
Commissioner Frank Bisignano is hereby substituted as the Defendant in this 28 action.")) 1 I.
Introduction and Relevant Procedural History 2 Before the court is the Magistrate Judge's June
23, 2025, Report and 3 Recommendation. (Dkt. 24 ("Report and Recommendation" or "R&R").)
Based on 4 the state of the record, as applied to the applicable law, the court ADOPTS the Report
5 and Recommendation issued by the Magistrate Judge, including each of the findings 6 of fact
and conclusions of law therein. 7 In summary, on July 1, 2024, Plaintiff Tiana Dannella Sara B.
("Plaintiff") filed 8 a Complaint against Defendant Martin O'Malley, Commissioner of Social
Security 9 Administration ("Defendant" or "Commissioner"),3 (Dkt. 1 ("Complaint")), seeking 10
Review of Denial of Social Security Disability. On September 3, 2024, Defendant 11 filed an

Answer to the Complaint. (Dkt. 9.) On October 28, 2024, Plaintiff filed their 12 Opening Brief. (Dkt. 12 (“Opening Brief”).) In the Opening Brief, in summary, 13 Plaintiff argued that “it cannot be said that the ALJ’s determination is supported by 14 substantial evidence,” and “[t]his error warrants remand.” (Id. at 22-23.) On

15 December 20, 2024, Defendant filed their Brief in Opposition to the Opening Brief.

16 (Dkt. 17 (“Opposition Brief”).) In the Opposition Brief, Defendant stated that “[t]his 17 Court should affirm the administrative law judge’s (ALJ) decision to deny [Plaintiff’s] 18 application for disability insurance benefits (DIB) and supplemental security income 19 (SSI) and Disability Insurance Benefits (DIB) under Titles II and XVI, respectively, of 20 the Social Security Act.” (Id.

at 7.) On January 4, 2025, Plaintiff filed a Reply in 21 support of the Opening Brief. (Dkt. 18 (“Reply”).) On June 23, 2025, the Magistrate 22 Judge issued the Report and Recommendation.

(Dkt. 24) On July 3, 2025, Plaintiff 23 objected to the Report and Recommendation. (Dkt. 25

(“Objections”).) 24 /// 25 /// 26 27 3 As previously indicated in footnote 1, Defendant Frank

Bisignano, Commissioner of 28 Social Security Administration is the current named defendant in

this action. 1 II. Discussion 2 “A judge of the court may accept, reject, or modify, in whole or in

part, the 3 findings or recommendations made by the magistrate judge.” 28 U.S.C. 4 § 636(b)(1)

(C); see also Fed. R. Civ. P. 72(b)(3) (stating “[t]he district judge must 5 determine de novo any

part of the magistrate judge’s disposition that has been 6 properly objected to,” and “[t]he district

judge may accept, reject, or modify the 7 recommended disposition; receive further evidence; or

return the matter to the 8 magistrate judge with instructions”). Proper objections require “specific

written 9 objections to the proposed findings and recommendations” of the magistrate judge. 10

Fed. R. Civ. P. 72(b)(2). “A judge of the court shall make a de novo determination of 11 those

portions of the report or specified proposed findings or recommendations to 12 which objection is

made.” 28 U.S.C. § 636(b)(1)(C); see also *United States v. Reyna- 13 Tapia*, 328 F.3d 1114, 1121

(9th Cir. 2003) (“The statute makes it clear that the 14 district judge must review the magistrate

judge’s findings and recommendations de 15 novo if objection is made, but not otherwise.”).

Where no objection has been made, 16 arguments challenging a finding are deemed waived. See

28 U.S.C. § 636(b)(1)(C) 17 (“Within fourteen days after being served with a copy, any party may

serve and file 18 written objections to such proposed findings and recommendations as provided

by 19 rules of court.”). Moreover, “[o]bjections to a R&R are not a vehicle to relitigate the 20

same arguments carefully considered and rejected by the Magistrate Judge.” *Chith v. 21 Haynes*,

2021 WL 4744596, at *1 (W.D. Wash. Oct. 12, 2021). 22 In the Report and Recommendation, the

Magistrate Judge recommended that 23 the court issue an order: 24

(1) accept[ing] th[e] Report and Recommendation; (2) accept[ing] th[e]

25 Report and Recommendation; (3) affirm[ing] the Commissioner’s decision; and (4)

dismiss[ing] this action with prejudice; and 26

(5) direct[ing] that Judgment be entered accordingly.

27 28 (R&R at 25.) 1 In the Objections, Plaintiff made several arguments and requests, including,

in 2 summary, that “[c]ontrary to the Magistrate Judge’s finding, the ALJ’s error i[s] not 3
harmless in this case,” “the Commissioner’s decision [should] be vacated, and this 4 matter
[should] be remanded for further administrative proceedings.” (See Objections 5 at 2-5.) After
conducting a de novo review of the Objections, the court agrees with 6 each of the findings of fact
and conclusions of law set forth in the Report and 7 Recommendation, including each of the
recommendations contained therein. 8 Accordingly, Plaintiff’s arguments set forth in the
Objections are OVERRULED on 9 the merits. 10 In sum, pursuant to 28 U.S.C. § 636, the court
has reviewed the record, 11 including the Report and Recommendation, the Complaint, the
Answer, the Opening 12 Brief, the Opposition Brief, the Reply, the Objections, and the other
records of the 13 case. After conducting a de novo review of the Objections, the court concurs
with and 14 accepts the findings and conclusions of the Magistrate Judge in the Report and 15
Recommendation. 16 /// 17 /// 18 /// 19 20 21 22 23 24 25 26 27 28 1 II. Conclusion 2 Based on
the state of the record, as applied to the applicable law, the court 3 | adopts the Report and
Recommendation and accepts each of the findings of fact and 4 | conclusions of law therein.
Accordingly, the court ORDERS the following: 5 6 (1) The court ACCEPTS the Report and
Recommendation. 7 (2) The court DENIES Plaintiff’s request for remand. 8 (3) The court
AFFIRMS the Commissioner’s decision. 9 (4) The court DISMISSES this action WITH
PREJUDICE. 10 (5) The court DIRECTS that Judgment be entered accordingly. 1] 12 13 Lo LS /
—— 14 | Dated: July 28, 2025 Hon. Fred W. Slaughter
15 UNITED STATES DISTRICT JUDGE
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