

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Tammy A. v. Frank Bisignano, Commissioner of Social Security

Tammy A. · No. 24-cv-1452-CAB (MSB) · Decided July 21, 2025

SUMMARY

The United States District Court for the Southern District of California adopted a magistrate judge’s Report and Recommendation in a Social Security disability benefits action. The court found no clear error, reversed the Commissioner’s decision, and remanded the matter for further administrative proceedings under sentence four of 42 U.S.C. § 405(g).

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 21, 2025
DOCKET	24-cv-1452-CAB (MSB)
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final adverse decision denying disability insurance benefits. The magistrate judge recommended reversal and remand, and the district court reviewed and adopted that recommendation without timely objections.
STANDARD OF REVIEW	When no timely objection is made to a magistrate judge's report and recommendation, the district court need only satisfy itself that there is no clear error on the face of the record before accepting the recommendation. If an objection is made, the district court must conduct de novo review of the portions objected to.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Tammy A. v. Frank Bisignano, Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

Social Security

administrative law

civil procedure

QUESTIONS PRESENTED

1. What standard of review governs a magistrate judge's Report and Recommendation when no timely objection is filed?
2. Whether the district court should adopt the Report and Recommendation recommending reversal of the Commissioner's decision and remand for further administrative proceedings.

HOLDINGS

1. When no timely objection is filed 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 district court adopted the Report and Recommendation, reversed the Commissioner's decision, and remanded the matter for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

KEY QUOTATIONS

“Having reviewed the Report, the Court finds that it is thorough, well-reasoned, and contains no clear error.”
(at 2)

“Accordingly, Court hereby: (1) ADOPTS Magistrate Judge Berg’s report and recommendation [Doc. 21]; (2) REVERSES the Commissioner’s decision; and (3) REMANDS this matter for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).” (at 2)

FACTUAL BACKGROUND

Plaintiff Tammy A. applied for disability insurance benefits, but an Administrative Law Judge denied the application. Plaintiff sought judicial review of the Commissioner's final adverse decision under 42 U.S.C. § 405(g). The opinion does not describe the underlying medical or vocational facts because it concerns adoption of the magistrate judge's Report and Recommendation.

PROCEDURAL HISTORY

Plaintiff filed the action on August 15, 2024, challenging the Administrative Law Judge's denial of disability insurance benefits. After briefing, Magistrate Judge Michael S. Berg issued a Report and Recommendation recommending reversal and remand for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). Neither party filed a timely objection, and the district court found no clear error, adopted the Report, reversed the Commissioner's decision, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

CASES CITED

- United States v. Raddatz, 447 U.S. 667, 673-76 (1980)
- United States v. Remsing, 874 F.2d 614, 617 (9th Cir. 1989)
- Campbell v. U.S. Dist. Court, 501 F.2d 196, 206 (9th Cir. 1974)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)

OPINION

Alvidres v. O'Malley

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 TAMMY A.,¹ Case No.: 24-cv-1452-CAB (MSB) 12 Plaintiff,

ORDER ADOPTING REPORT AND

13 v. RECOMMENDATION [Doc. No. 21] 14 FRANK BISIGNANO, Commissioner of Social
Security, 15 Defendant. 16 17 On August 15, 2024, Plaintiff Tammy A. (“Plaintiff”) filed a
complaint pursuant to 18 42 U.S.C. §405(g), seeking judicial review of the Commissioner of
Social Security’s 19 (“Commissioner”) final adverse decision. [Doc. No. 1.] On December
18,2024, Plaintiff 20 filed their opening brief, claiming the Administrative Law Judge (“ALJ”)
erred when he 21 denied Plaintiff’s application for disability insurance benefits. [Doc. No. 12.] On
February 22 18, 2025, the Commissioner filed an opposition. [Doc. No. 17.] On March 10, 2025,
23 Plaintiff filed a reply. [Doc. No. 20.] On June 13, 2025, Magistrate Judge Michael S. Berg 24
issued a Report and Recommendation (“Report”), recommending that the Court enter a 25 26 27
1Under Civil Local Rule 7.1(e)(6)(b), “[o]pinions by the Court in [Social Security cases under 42
U.S.C. 28 1 judgment that reverses the decision of the Commissioner and remands the matter for
further 2 administrative proceedings pursuant to sentence four of 42 U.S.C. §405(g). [Doc. No.
21.] 3 The Report also ordered that any objections were to be filed by July 11, 2025. [Report at 4
21.] To date, no objection has been filed, nor has there been a request for additional time 5 in
which to file an objection. 6 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set
forth a district 7 court’s duties in connection with a magistrate judge’s report and recommendation.
The 8 district court must “make a de novo determination of those portion of the report to which 9
objection is made,” and “may accept, reject, or modify, in whole or in part, the findings or 10
recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); see also United 11 States
v. Raddatz, 447 U.S. 667, 673-76 (1980); United States v. Remsing, 874 F.2d 614, 12 617 (9th Cir.

1989). However, in the absence of timely objection, the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee’s note (citing *Campbell v. U.S.*, 501 F.2d 196, 206 (9th Cir. 1974)); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise.”) Here, neither party has timely filed objections to Magistrate Judge Berg’s Report. 21 (objections due by July 11, 2025).] Having reviewed the Report, the Court finds that it is thorough, well-reasoned, and contains no clear error. Accordingly, Court hereby: (1) ADOPTS Magistrate Judge Berg’s report and recommendation [Doc. 5 21]; (2) REVERSES the Commissioner’s decision; and (3) REMANDS this matter for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). It is SO ORDERED. Dated: July 21, 2025 Hon. Cathy Ann Bencivengo United States District Judge