

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).

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 13 satisfy itself that there is no clear error on the face of the record in order to accept the 14 recommendation.” Fed .R. Civ. P. 72 advisory committee’s note (citing Campbel v. U.S. 15 Dist. Court, 501 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia, 328 16 F.3d 1114, 1121 (9th Cir. 2003)(“[T]he district judge must review the magistrate judge’s 17 findings and recommendations de novo if objection is made, but not otherwise.”) 18 /// 19 /// 20 /// 21 22 23 24 25 26 27 28 1 Here, neither party has timely filed objections to Magistrate Judge Berg’s Report. 2 ||[See Doc. No. 21 at 21 (objections due by July 11, 2025).] Having reviewed the Report, 3 || the Court finds that it is thorough, well-reasoned, and contains no clear error. Accordingly, 4 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 6 || for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). 7 8 It is SO ORDERED. 9 10 Dated: July 21, 2025 € 11 Hon. Cathy Ann Bencivengo 12 United States District Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28