

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Jacqueline C., on behalf of JL v. Frank Bisignano, Commissioner of
Social Security

Jacqueline C. · No. 3:24-cv-1032-RBM-KSC · Decided July 14, 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 case. The court vacated the Commissioner’s decision and remanded for further administrative proceedings to reevaluate the evidence of record, directing the Clerk to enter judgment for the plaintiff.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Ruth Bermudez Montenegro
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 14, 2025
DOCKET	3:24-cv-1032-RBM-KSC
DISPOSITION	vacated
PROCEDURAL POSTURE	Plaintiff sought judicial review of the Commissioner's Social Security decision. The matter was referred to a magistrate judge, who issued a report and recommendation recommending that the Commissioner's decision be vacated and the matter remanded for further proceedings. Neither party objected.
STANDARD OF REVIEW	When no timely objection is made to a magistrate judge's report and recommendation, the district court reviews the record for clear error rather than conducting de novo review.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Jacqueline C., on behalf of JL 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 applies when neither party timely objects to a magistrate judge's report and recommendation on a dispositive matter?
2. Whether the magistrate judge's recommendation to vacate the Commissioner's decision and remand for further administrative proceedings should be adopted.

HOLDINGS

1. When no timely objection is filed to a magistrate judge's report and recommendation, the district court need only determine whether there is clear error on the face of the record before accepting the recommendation.
2. The magistrate judge's recommendation was properly adopted; the Commissioner's decision was vacated and the matter was remanded for further administrative proceedings to reevaluate the evidence of record.

KEY QUOTATIONS

"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." " (at 1)

"The Clerk shall enter judgment in favor of Plaintiff and against Defendant." (at 2)

FACTUAL BACKGROUND

The case concerns the Commissioner's final Social Security decision regarding Plaintiff's minor child, JL. The magistrate judge concluded that the Commissioner's decision should be vacated and that further administrative proceedings were necessary to reevaluate the evidence of record. The district court found the R&R thorough and well reasoned and determined that it contained no clear error.

PROCEDURAL HISTORY

Magistrate Judge Karen S. Crawford issued a Report and Recommendation on June 10, 2025, recommending that the Commissioner's final decision be vacated and the case remanded. After the objection period expired without objections, the district court reviewed the R&R for clear error, adopted it, vacated the Commissioner's decision, remanded for reevaluation of the evidence, and directed the Clerk to enter judgment for Plaintiff.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Remand for further administrative proceedings with instructions to reevaluate the evidence of record.

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

Cervantes v. O'Malley

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 JACQUELINE C., on behalf of JL, a Case No.: 3:24-cv-1032-RBM-KSC minor 12
ORDER: Plaintiff,

13 (1) ADOPTING REPORT AND

v. RECOMMENDATION

14

(2) VACATING

FRANK BISIGNANO, Commissioner of

15 COMMISSIONER'S

Social Security¹ DECISION; and 16 Defendant. (3) REMANDING FOR FURTHER

17 ADMINISTRATIVE

PROCEEDINGS

18 19 [Docs. 12–13] 20 21 Before the Court is the Report and Recommendation (“R&R”) of
Magistrate Judge 22 Karen S. Crawford, filed on June 10, 2025 (Doc. 27), on the parties’ briefing
(Docs. 21, 23 25–26). The R&R recommends the Court vacate the final decision of the
Commissioner 24 and remand for further proceedings. (Doc. 27.) The deadline for filing
objections to the 25 26 27 1 Frank Bisignano is now the Commissioner of the Social Security
Administration and is 28 1 ||R&R was no later than June 24, 2025. 28 U.S.C. § 636(b) (objections
due 14 days after 2 ||recommendation issued); Fed. R. Civ. P. 72(b) (objections to findings and 3
||recommendations on dispositive motions due within 10 days). No objections have been 4 || filed.
5 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district 6 ||court’s
duties in connection with a magistrate judge’s report and recommendation. The 7 || district court
“must determine de novo any part of the magistrate judge’s disposition that 8 been properly
objected to” and “may accept, reject, or modify, in whole or in part, the 9 || findings or

recommendations made by the magistrate judge.” Fed. R. Civ. P. 72(b); 28 10 || U.S.C. § 636(b) (1); see also *United States v. Raddatz*, 447 U.S. 667, 673-76 (1980); *United 11 || States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely 12 || objection, the Court “need only satisfy itself that there is no clear error on the face of the 13 ||/record in order to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee’s 14 || note (citing *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)); see also 15 || *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge 16 || must review the magistrate judge’s findings and recommendations de novo if objection is 17 || made, but not otherwise.”) (emphasis in original). 18 Here, neither party has filed objections to Magistrate Judge Crawford’s R&R. 19 || Having reviewed the R&R, the Court finds that it is thorough, well-reasoned, and contains 20 ||no clear error. Accordingly, the Court hereby: (1) ADOPTS Magistrate Judge Crawford’s 21 ||R&R (Doc. 27); (2) VACATES the Commissioner’s decision; and (3) REMANDS this 22 ||matter with instructions to reevaluate the evidence of record. The Clerk shall enter 23 judgment in favor of Plaintiff and against Defendant. 24 IT IS SO ORDERED. 25 Dated: July 14, 2025 Fe Le ; ? L é > 76 HON. RUTH BERMUDEZ MONTENEGRO 27 UNITED STATES DISTRICT JUDGE 28