

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**MATTHEW CATALDO,**

**Plaintiff,**

**vs.**

**Case No. 8:08-cv-2207-T-27EAJ**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

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**ORDER**

**BEFORE THE COURT** is the Report and Recommendation (Dkt. 16) submitted by the Magistrate Judge recommending that the decision of the Commissioner of Social Security denying Plaintiff's application for Social Security disability insurance benefits be affirmed. Cataldo filed objections (Dkt. 18), and the Commissioner filed a response (Dkt. 19).

After careful consideration of the Report and Recommendation in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. The Court agrees with the Magistrate Judge's thorough and well-reasoned determination that the Commissioner's decision comports with applicable legal standards and is supported by substantial evidence.<sup>1</sup>

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<sup>1</sup> Cataldo requested that the Appeals Council review the Administrative Law Judge's decision based on several grounds, including the submission of a supplemental report of Dr. Eastridge. (T. 680-82). The Appeals Council denied review, stating that the case would only be reviewed based on new evidence if "[w]e receive new and material evidence and the decision is contrary to the weight of all the evidence now in the record." (T. 4-6). Upon the Appeals Counsel's denial of review, the ALJ's decision became the final decision of the Commissioner. There is no error in the ALJ's decision or in the Appeals Council's denial of review.

Accordingly, it is **ORDERED AND ADJUDGED** that

- 1) Cataldo's objections (Dkt. 18) are overruled.
- 2) The Report and Recommendation (Dkt. 16) is adopted, confirmed, and approved in all respects and is made part of this order for all purposes, including appellate review.
- 3) The decision of the Commissioner of Social Security is **AFFIRMED**.
- 4) The Clerk is directed to **ENTER FINAL JUDGMENT** in favor of Defendant consistent with 42 U.S.C. § 405(g) and to **CLOSE** this case.

**DONE AND ORDERED** in Tampa, Florida, on this 16<sup>th</sup> day of February, 2010.

  
**JAMES D. WHITTEMORE**  
United States District Judge

Copies to:  
Counsel of Record