

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

TODD M. JACK,

Plaintiff,

v.

Case No: 2:14-cv-723-FtM-38MRM

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER**<sup>1</sup>

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. #28](#)) filed on December 30, 2015. Judge McCoy recommends that the final decision of the Commissioner of Social Security be affirmed in part and reversed and remanded in part under [42 U.S.C. § 405\(g\)](#). Plaintiff filed Written Objections to the Court's Report and Recommendation ([Doc. #29](#)) on January 12, 2016, to which the Commissioner elected not to respond. Thus, this matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. See [28 U.S.C. § 636\(b\)\(1\)](#); see also *Williams v. Wainwright*, [681 F.2d 732 \(11th Cir. 1982\)](#). In the absence of specific objections, there is no

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requirement that a district judge review factual findings *de novo*, [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See [Cooper-Houston v. Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994).

After conducting an independent examination of the file and upon consideration of Judge McCoy's findings and recommendations, the Court accepts the Report and Recommendation ([Doc. #28](#)) over Plaintiff's objections.

Accordingly, it is now

**ORDERED:**

1. The Report and Recommendation ([Doc. #28](#)) is **ACCEPTED AND ADOPTED** and the findings incorporated herein.
2. The Commissioner's decision is **REVERSED and REMANDED in part** for the Commissioner to reconsider Plaintiff's impairments to determine if he has a medically determinable impairment that is severe or a combination of impairments that are severe, and to continue in the sequential evaluation, if appropriate. As to the remaining issues raised, the Commissioner's decision is **AFFIRMED**.
3. The Clerk of Court is **DIRECTED** to enter judgment and close the case.

**DONE** and **ORDERED** in Fort Myers, Florida this 22nd day of February, 2016.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record