

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SHARON HOLMES,

Plaintiff,

v.

Case No: 2:17-cv-367-FtM-38CM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 18](#)). Judge Mirando recommends reversing the decision of the Commissioner of Social Security and remanding this matter to the Commissioner under sentence four of [42 U.S.C. § 405\(g\)](#). No party objects to the Report and Recommendation, and the time to do so has expired. The Report and Recommendation is thus ripe for review.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified

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proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidenced or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file carefully and independently, and upon considering Judge Mirando’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:


(1) The Report and Recommendation ([Doc. 18](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.

(2) The decision of the Commissioner is **REVERSED** and this matter is **REMANDED** to the Commissioner under sentence four of [42 U.S.C. § 405\(g\)](#), for the Commissioner to:

- a. articulate the weight given to the opinions of Drs. Miller and Leach in their disability parking permit applications;
- b. specifically address how Plaintiff’s need for the use of an assistive device to ambulate affects her RFC and thus her ability to perform her past relevant work, and if necessary, other jobs in the national economy, which may require additional testimony from a vocational expert;
- c. make any other determinations consistent with this Opinion and Order, or in the interests of justice.

(3) The Clerk of Court is **DIRECTED** to enter judgment per sentence four of [42 U.S.C. § 405\(g\)](#) in favor of Plaintiff Sharon Faye Holmes, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 13th day of August 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record