

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

WAYNE LEE BUSBY,

Plaintiff,

-vs-

Case No. 3:14-cv-544-J-34PDB

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

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ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 18; Report), entered by the Honorable Patricia D. Barksdale, United States Magistrate Judge, on May 27, 2015. In the Report, Magistrate Judge Barksdale recommends that the Court reverse the Commissioner's final decision, remand this case with directions to the ALJ, and direct the Clerk of the Court to enter judgment and close the file. See Report at 16. The Commissioner has failed to file objections to the Report, and the time for doing so has now passed.

The Court "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). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994);

United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at * 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 18) is **ADOPTED** as the opinion of the Court.

2. The Clerk of the Court is directed to enter judgment **REVERSING** the Commissioner's final decision and **REMANDING** this matter to the ALJ with directions: to consider Plaintiff's cervical-spine and hip conditions and their impact, if any, on his residual functional capacity and credibility; to reweigh Dr. Gummadi's opinion; and to take any other necessary action.

3. The Clerk of the Court is further directed to close the file.

DONE AND ORDERED at Jacksonville, Florida, this 10th day of July, 2015.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Hon. Patricia D. Barksdale

Counsel of Record