

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

KATRENA YVETTE CONEY,

Plaintiff,

vs.

Case No. 3:15-cv-479-J-34JRK

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

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**ORDER**

**THIS CAUSE** is before the Court on Magistrate Judge James R. Klindt's Report and Recommendation (Dkt. No. 16; Report), entered on June 3, 2016. In the Report, Magistrate Judge Klindt recommends that the Commissioner's decision be reversed and remanded. See Report at 14. No objections to the Report have been filed, and the time for doing so has 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)(1). 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 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 Report and Recommendation (Dkt. No. 16) of Magistrate Judge Klindt is **ADOPTED** as the opinion of the Court.

2. The Clerk of the Court is directed to enter judgment pursuant to 42 U.S.C. § 1383(c)(3) and sentence four of § 405(g) **REVERSING** the Commissioner's final decision and **REMANDING** this matter to the ALJ with the following instructions:

- (a) Reevaluate evidence of Plaintiff's upper extremity limitations; and
- (b) Take such other action as may be necessary to resolve these claims properly.

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

4. Plaintiff's counsel is advised that, in the event benefits are awarded on remand, any § 406(b) or § 1383(d)(2) fee application shall be filed within the parameters set

forth by the Order entered in Case No. 6:12-mc-124-Orl-22 (In Re: Procedures for Applying for Attorney's Fees Under 42 U.S.C. §§ 406(b) and 1383(d)(2)).

**DONE AND ORDERED** in Jacksonville, Florida, this 7th day of July, 2016.

  
MARCIA MORALES HOWARD  
United States District Judge

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Copies to:

The Honorable James R. Klindt  
United States Magistrate Judge

Counsel of Record