

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

BEVERLY MORGAN,

Plaintiff,

v.

Case No. 3:17-cv-235-J-34MCR

NANCY A. BERRYHILL, Acting Commissioner  
of the Social Security Administration,

Defendant.

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**ORDER**

**THIS CAUSE** is before the Court on Magistrate Judge Monte C. Richardson's Report and Recommendation (Doc. 22; Report), entered on November 22, 2017. In the Report, Magistrate Judge Richardson recommends that the Commissioner of Social Security's (the Commissioner's) decision be affirmed. See Report at 2, 14. Plaintiff filed Plaintiff's Objections to Magistrate Judge's Report and Recommendation and Request for Oral Argument (Doc. 23; Objections) on December 6, 2017. Upon review, the Court struck the Objections as being wholly inadequate and gave counsel an opportunity to properly file any good faith objections. See Order (Doc. 24). Subsequently, on January 29, 2018, Plaintiff filed Plaintiff's Amended Objections to Magistrate Judge's Report and Recommendation and Request for Oral Argument (Doc. 25; Amended Objections). The Commissioner filed a Response to Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (Doc. 26; Response) on February 6, 2018. As such, the matter is ripe for the Court's consideration.

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 fact 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. 2:08-mc-8-FtM-29SPC, 2007 WL 1428615, at \*1 (M.D. Fla. May 14, 2007).

The Court has reviewed the Report, the Amended Objections, and the Response.<sup>1</sup> Upon independent review of the file and for the reasons stated in Judge Richardson’s Report, the Court will overrule the Amended Objections, and accept and adopt the legal and factual conclusions recommended by Judge Richardson. Accordingly, it is hereby

**ORDERED:**

1. The objections set forth in Plaintiff’s Amended Objections to Magistrate Judge’s Report and Recommendation and Request for Oral Argument (Doc. 25) are **OVERRULED.**

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<sup>1</sup> In the Amended Objections, Plaintiff asserts that she is entitled to disability benefits as of July 6, 2016, her 55th birthday. See Amended Objections at 4. However, the Administrative Law Judge (“ALJ”) reached the decision to deny Plaintiff’s application for disability benefits on September 3, 2015. See Report at 1. In the Report, Judge Richardson concluded that “the Court’s review is limited to determining whether the ALJ’s findings are based on correct legal standards and supported by substantial evidence,” which is a legal conclusion. Id. at 8. As stated above, legal conclusions are reviewed de novo. See Cooper-Houston, 37 F.3d at 604. The Court has the power to enter “a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g) (emphasis added). However, the Court may not “decide facts anew, reweigh the evidence, or substitute [its] judgment for that of the [Commissioner.]” Dyer v. Barnhart, 395 F.3d 1206, 1210 (11th Cir. 2005) (internal quotation and citation omitted). Additionally, Plaintiff concedes that there is no case law to support the assertion that the Court has the authority to extend the review of the Court beyond the decision of the ALJ on September 3, 2015 to Plaintiff’s 55th birthday on July 6, 2016. See Amended Objections at 3. Upon de novo review, the Court concludes that the authority for review is limited to the date the ALJ entered the decision, September 3, 2015. See Report at 8.

2. The Magistrate Judge's Report and Recommendation (Doc. 22) is **ADOPTED** as the opinion of the Court.
3. The Clerk of the Court is directed to enter judgment **AFFIRMING** the Commissioner's final decision and close the file.

**DONE AND ORDERED** in Jacksonville, Florida this 21st day of February, 2018.

  
MARCIA MORALES HOWARD  
United States District Judge

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Copies to:

Counsel of Record