

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

HOPE LEANN MILLER,

Plaintiff,

v.

Case No. 3:17-cv-673-J-34PDB

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

Defendant.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Doc. 24; Report), entered by the Honorable Patricia D. Barksdale, United States Magistrate Judge, on August 15, 2018. In the Report, Magistrate Judge Barksdale recommends that the Commissioner of Social Security's (the Commissioner) decision that Plaintiff was not disabled be affirmed. See Report at 28. On August 29, 2018, Plaintiff filed objections to the Report. See Plaintiff's Objections to Magistrate Judge's Report and Recommendation (Doc. 25; Objections). The Commissioner then filed a response to the Objections on September 10, 2018. See Response in Opposition to Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (Doc. 26; Response to Objections). 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 Objections, and the Response to Objections. In the Objections, Plaintiff asserts that the Magistrate Judge erred in: (1) “fail[ing] to find that the Commissioner erred in failing to address or analyze Ms. Miller’s diagnosis of borderline personality disorder,” (2) “fail[ing] to find that the Commissioner erred in failing to reconcile the state agency consultants’ opinions with the Commissioner’s residual functional capacity assessment,” and (3) “fail[ing] to find that the Commissioner did not articulate good cause for rejecting the treating psychiatrist’s opinion as to functioning.” Objections at 1, 4, 5. Plaintiff’s arguments in the Objections simply mirror those raised in her original memorandum before the Magistrate Judge with no further elaboration. See Plaintiff’s Brief (Doc. 20) at 14-25. Although Plaintiff generally disagrees with the Magistrate Judge’s conclusions, she has failed to identify any factual or legal error in the Report. Instead, she states as to each issue that she “specifically objects to the Magistrate Judge’s findings of fact and law” for the express purpose of preserving this issue for appeal. Objections at 1, 4, 5. Then, rather than address any of the Magistrate Judge’s factual or legal determinations, Plaintiff simply repeats the arguments she presented to the Magistrate Judge.

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

ORDERED:

1. The objections set forth in Plaintiff's Objections to Magistrate Judge's Report and Recommendation (Doc. 25) are **OVERRULED**.
2. The Magistrate Judge's Report and Recommendation (Doc. 24) is **ADOPTED** as the opinion of the Court.
3. The Clerk of the Court is directed to enter judgment pursuant to sentence four of 42 U.S.C. § 405(g) and § 1383(c)(3) **AFFIRMING** the Commissioner's final decision and close the file.

DONE AND ORDERED in Jacksonville, Florida this 27th day of September, 2018.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:
Counsel of Record