

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

RICHARD LEE PRATT,

Plaintiff,

-vs-

Case No. 5:16-cv-110-Oc-10PRL

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On December 30, 2016, the United States Magistrate Judge issued a Report (Doc. 24) recommending that the Commissioner's Decision denying the Plaintiff's claims for Disability Insurance and Supplemental Security Income Benefits be affirmed. The Plaintiff has filed Objections (Doc. 25) to the Report and Recommendation. The Commissioner has filed a response to the objections. (Doc. 26.) The Court will therefore conduct a *de novo* review of the case. See 28 U.S.C. § 636, M.D. Fla. Local Rule 6.02.

The Plaintiff raised one argument in his appeal: that the Administrative Law Judge (ALJ) failed to fully and fairly develop the record because he did not include in the evidence two of the consultative examination records relied upon by state agency physicians who found that Plaintiff does not suffer from severe mental impairments or limitations. (Doc. 21.)

The Court agrees with the Magistrate Judge's finding that the ALJ fully and fairly developed the record, and that even without the opinions of consulting physicians Dr. Bee

and Dr. DeCubas, substantial evidence still supports the ALJ's decision that the Plaintiff does not have a disabling mental health condition. Plaintiff did not meet his burden of providing evidence to show that he has a disabling mental health condition.

Accordingly, upon due consideration, and a *de novo* review of the case, it is hereby ORDERED as follows:

(1) The Magistrate Judge's Report and Recommendation (Doc. 24) is ADOPTED, CONFIRMED, AND MADE A PART HEREOF;

(2) The Plaintiff's Objections (Doc. 25) are OVERRULED and his request for oral argument is DENIED;

(3) Pursuant to sentence four of 42 U.S.C. § 405(g), the Commissioner's Decision denying the Plaintiff's claim for Disability Insurance and Supplemental Security Income Benefits is AFFIRMED; and

(4) The Clerk is directed to enter judgment accordingly, terminate all other pending motions and close the file.

IT IS SO ORDERED.

DONE and ORDERED at Ocala, Florida this 3rd day of February, 2017.



UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record
Hon. Philip R. Lammens
Mari Jo Taylor