

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

JEFFREY TODD WILSON,

Plaintiff,

v.

Case No. 6:14-cv-1227-Orl-37KRS

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

This cause is before the Court on the following:

1. U.S. Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 16), filed July 10, 2015; and
2. Plaintiff's Objections to Report and Recommendation Dated July 10, 2015 (Doc. 17), filed July 21, 2015.

In this Social Security case, U.S. Magistrate Judge Karla R. Spaulding recommends that the Court affirm the final decision of the Commissioner because: (1) any error the ALJ made in the treatment of the physician's functional capacity assessments was harmless; and (2) the ALJ properly applied the pain standard. (Doc. 16 ("R&R").) Plaintiff objects to the R&R. (Doc. 17.)

When a party objects to a magistrate judge's findings, the district court must "make a de novo determination of those portions of the report . . . to which objection is made." 28 U.S.C. § 636(b)(1). The district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* The district court

must consider the record and factual issues based on the record independent of the magistrate judge's report. *Ernest S. ex rel. Jeffrey S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990).

Having conducted an independent, de novo review of the entire record in light of Plaintiff's objections, the Court agrees with Magistrate Judge Spaulding's comprehensive, well-reasoned R&R (Doc. 16). Thus, the R&R is due to be adopted and the Commissioner's decision is due to be affirmed.


CONCLUSION

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. Plaintiff's Objections to Report and Recommendation Dated July 10, 2015 (Doc. 17) are **OVERRULED**.
2. U.S. Magistrate Judge Karla R Spaulding's Report and Recommendation (Doc. 16) is **ADOPTED AND CONFIRMED** and made a part of this Order.
3. The decision of the Commissioner is **AFFIRMED**.
4. The Clerk is **DIRECTED** to enter judgment in favor of Defendant and against Plaintiff and to close this case.

DONE AND ORDERED in Chambers in Orlando, Florida, on September 18, 2015.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record