

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CATHERINE BAKER D’ORAZIO,

Plaintiff,

v.

Case No. 6:16-cv-604-Orl-37DCI

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In this social security appeal, Plaintiff seeks review of the Commissioner’s decision to deny her social security disability benefits. (Doc. 1.) As set forth in U.S. Magistrate Judge Daniel C. Irck’s Report and Recommendation (“**R&R**”), Plaintiff contends that the administrative law judge (“**ALJ**”) erred by: (1) failing to weigh the opinions of her treating physicians; and (2) discrediting her testimony concerning pain and limitations. (Doc. 17.) Neither party filed objections, and the time for doing so has now passed.

In his R&R, Magistrate Judge Irck concludes that the ALJ did consider the opinions of Plaintiff’s treating physicians and, therefore, the ALJ’s failure to *expressly* weigh such opinions was harmless error. (*Id.* at 9). As to Plaintiff’s second assignment of error, Magistrate Judge Irck finds Plaintiff’s argument unavailing, as she failed to challenge any of the reasons the ALJ articulated in support of the credibility determination. (*See id.*)

Absent objections, the Court has examined the R&R for clear error. *See Wiand v.*


Wells Fargo Bank, N.A., No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 17) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Commission's decision is **AFFIRMED**.
3. The Clerk is **DIRECTED** to:
 - a. Enter judgment in favor of Defendant Commissioner of Social Security and against Plaintiff Catherine Baker D'Orazio; and
 - b. Close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 15, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record