

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

KELLY MARIE RODRIGUEZ,

Plaintiff,

v.

Case No. 6:16-cv-1148-Orl-37GJK

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.) In a Report and Recommendation issued April 26, 2017, U.S Magistrate Judge Gregory J. Kelly found that the administrative law judge failed to: (1) articulate specific reasons supported by the record for discounting the opinion of a one-time examining physician; and (2) consider pertinent portions of the physician's opinion. (Doc. 15 ("**R&R**").) Based on these errors, Magistrate Judge Kelly recommends that the Court reverse the Commissioner's decision and remand the action for further administrative proceedings. (*Id.*)

The parties did not object to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only 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 Gregory J. Kelly's Report and Recommendation (Doc. 15) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Pursuant to 42 U.S.C. § 405(g), the decision of the Commissioner is **REVERSED AND REMANDED**.
3. The Clerk is **DIRECTED** to:
 - a. Enter judgment in favor of Plaintiff Kelly Marie Rodriguez and against Defendant Commissioner of Social Security; and
 - b. Close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 11, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record