

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

**JOHN F. MILLER,**

**Plaintiff,**

**v.**

**Case No: 6:16-cv-1239-Orl-28TBS**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

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**ORDER**

This case is before the Court on Plaintiff's complaint to obtain judicial review of a final decision of the Commissioner of Social Security ("Commissioner") denying his claim for Disability Insurance Benefits ("DIB"). The United States Magistrate Judge has submitted a report recommending that the Commissioner's decision be reversed and remanded. No party has filed an objection to the Report and Recommendation and the time to do so has passed.

After an independent *de novo* review of the record in this matter, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

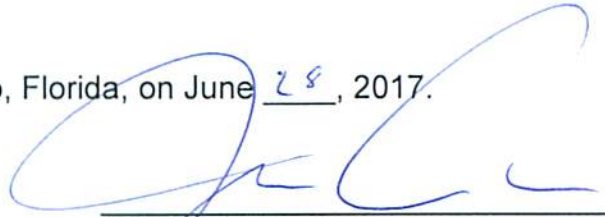
1. That the Report and Recommendation filed June 7, 2017 (Doc. No. 16) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. The Commissioner's decision is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the findings in the Report and Recommendation.

3. The Clerk of the Court is directed to enter judgment in favor of Plaintiff and to thereafter close this file.

4. Plaintiff is advised that the deadline to file a motion for attorney's fees pursuant to 42 U.S.C. § 406(b) shall be thirty days after Plaintiff receives notice from the Social Security Administration of the amount of past due benefits awarded.

5. Plaintiff is directed that upon receipt of such notice, he shall promptly email Mr. Rudy and the OGC attorney who prepared the Commissioner's brief to advise that the notice has been received.

**DONE** and **ORDERED** in Orlando, Florida, on June 28, 2017.



JOHN ANTOON II  
United States District Judge

Copies furnished to:

United States Magistrate Judge  
Counsel of Record