

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**WILLIAM HERNANDEZ-CRUZ,**

**Plaintiff,**

v.

**Case No: 6:16-cv-1370-Orl-41TBS**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

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**ORDER**

THIS CAUSE is before the Court on Plaintiff's Complaint (Doc. 1). Plaintiff seeks review from a final decision of the Commissioner of Social Security denying his application for Disability Insurance Benefits. United States Magistrate Judge Thomas B. Smith submitted a Report and Recommendation (Doc. 14), recommending that the Court reverse and remand the Commissioner's final decision.

After a *de novo* review of the record, and noting that no objections were timely filed, the Court agrees with the analysis set forth in the Report and Recommendation. Therefore it is **ORDERED** and **ADJUDGED** as follows:

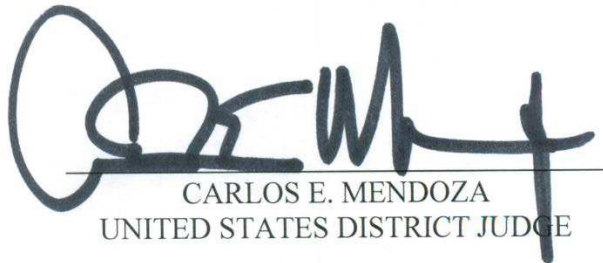
1. The Report and Recommendation (Doc. 14) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. The final decision of the Commissioner is **REVERSED** and **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.

3. The Clerk is directed to enter judgment in favor of Plaintiff. Thereafter, the Clerk is directed to close this case.

It is further **ORDERED**:

1. Should Plaintiff choose to file a motion for attorney's fees pursuant to 42 U.S.C. § 406(b), Plaintiff shall file said motion **within thirty days** of Plaintiff's receipt of notice from the Social Security Administration of the amount of past due benefits awarded.
2. Upon receipt of such notice from the Social Security Administration, Plaintiff shall promptly e-mail 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 April 24, 2017.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record