

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DAVID HARPER,

Plaintiff,

v.

Case No: 6:16-cv-2146-Orl-41JBT

**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 ("the Commissioner") denying his application for Disability Insurance Benefits and a period of disability. United States Magistrate Judge Joel B. Toomey submitted a Report and Recommendation (Doc. 18), wherein he recommends that the final decision be reversed and remanded for further proceedings.

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. 18) is **ADOPTED** and **CONFIRMED** and made 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 the Plaintiff and close this case.

4. 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 Agency's past-due benefit calculation stating the amount withheld for attorney's fees.

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



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record