

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ABRAHAM RIOS,

Plaintiff,

v.

Case No. 6:17-cv-1074-Orl-37DCI

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In this social security appeal, Plaintiff seeks review of the Commissioner's decision to deny him disability insurance benefits and supplemental security income. (Doc. 1.) In support, Plaintiff contends that the Administrative Law Judge ("ALJ") erred by failing to properly weigh the opinion of Plaintiff's treating physician. (Doc. 14, pp. 12-16.) On referral, U.S. Magistrate Judge Daniel C. Irick recommends that the Court affirm the Commissioner's decision. (Doc. 15 ("R&R").) In his R&R, Magistrate Judge Irick rejects Plaintiff's assignment of error, concluding that because the opinion of Plaintiff's treating physician does not contradict the ALJ's residual functional capacity assessment, any alleged failure to accord substantial weight to that opinion would have been harmless. (*Id.* at 7.)

The parties did not object to the R&R, and the time for doing so has now passed. Absent objections, 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 Daniel C. Irick's Report and Recommendation (Doc. 15) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Commissioner's decision is **AFFIRMED**.
3. The Clerk is **DIRECTED** to enter judgment in favor of Defendant Commissioner of Social Security and against Plaintiff Abraham Rios, and to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on June 21, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record