

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ALEXANDER ORTIZ MONTES,

Plaintiff,

v.

Case No. 6:17-cv-1481-Orl-37TBS

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In this social security appeal, Plaintiff Alexander Ortiz Montes (“**Montes**”) seeks review of the Commissioner’s decision to deny him social security disability benefits. (Doc. 1.) In support, Plaintiff lobs several objections to the Administrative Law Judge’s (“**ALJ**”) unfavorable decision from June 16, 2016 to deny his benefits, including: (1) an erroneous conclusion that he has residential functional capacity to perform sedentary work; (2) inaccurate findings regarding the vocational expert’s testimony; and (3) the lack of substantial evidence to support the credibility determination. (See Doc. 25, pp. 17-30.)

On referral, U.S. Magistrate Judge Thomas B. Smith recommends that the Court affirm the Commissioner’s decision. (Doc. 26 (“**R&R**”).) Specifically, Magistrate Judge Smith disagrees with Montes’s contentions, finding that that the Commissioner’s decision was made pursuant to the correct legal standard with substantial supporting evidence. (*Id.* at 13.)

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 no clear error, 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 Thomas B. Smith's Report and Recommendation (Doc. 26) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Commissioner's final decision is **AFFIRMED**.
3. The Clerk is **DIRECTED** to enter judgment in favor of Defendant Commissioner of Social Security and against Plaintiff Alexander Ortiz Montes and to close this case.

DONE AND ORDERED in Chambers in Orlando, Florida, on June 13, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record