

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

RONALD J. BAKER,

Plaintiff,

v.

Case No. 8:08-cv-566-T-33TGW

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Thomas G. Wilson's Report and Recommendation (Doc. # 18), entered on May 27, 2009, recommending that the decision of the Commissioner of Social Security denying social security disability benefits be reversed and the matter remanded for further consideration. As of this date, neither party has filed an objection to the report and recommendation, and the time for the parties to file such objections has elapsed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983).

In the absence of specific objections, there is no requirement that a district judge review factual findings de novo, Garvey v. Vaughn, 993 F.2d 776, 779 n. 9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions de novo, even in the absence of an objection. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting a careful and complete review of the findings, conclusions and recommendations, and giving de novo review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge and the recommendation of the magistrate judge.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) United States Magistrate Judge Thomas G. Wilson's Report and Recommendation (Doc. # 18), entered on May 27, 2009, is **ACCEPTED** and **ADOPTED**.
- (2) The decision of the Commissioner of Social Security denying disability benefits is **REVERSED** and the matter is **REMANDED** for further consideration as discussed in the

Report and Recommendation.

- (3) The clerk is directed to close this case and to enter judgment in favor of the Plaintiff reflecting that the Commissioner's decision denying disability benefits is reversed and the matter is remanded for further consideration.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 26th day of June, 2009.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies to: counsel of record