

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SUSAN POTTER,

Plaintiff,
v. Case No. 8:08-cv-1703-T-33AEP

MICHAEL J. ASTRUE, Commissioner
of the United States Social
Security Administration,

Defendant.

ORDER

This matter is before the Court upon consideration of the report and recommendation of the Honorable Anthony E. Porcelli, United States Magistrate Judge (Doc. # 20), which was filed on December 10, 2009, recommending that the decision of the Commissioner of the United States Social Security Administration denying Social Security benefits be affirmed. No objections have been filed, and the time to file objections has expired.

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, 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. S. 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).

The Court has conducted an independent examination of the file and upon due consideration, the Court accepts and adopts the report and recommendation.

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

- (1) United States Magistrate Judge Anthony E. Porcelli's Report and Recommendation (Doc. # 20) is **ACCEPTED** and **ADOPTED**.
- (2) The decision of the Commissioner of the United States Social Security Administration denying benefits is **AFFIRMED**.
- (3) The Clerk is directed to **ENTER JUDGMENT** in favor of the Commissioner reflecting that the Commissioner's decision

denying benefits is affirmed. Thereafter, the Clerk is directed to **CLOSE THIS CASE**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 29th day of December 2009.



VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel of Record