

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

CONNIE P. FAHAD,  
Plaintiff,

vs.

CASE NO. 8:08-CIV-1996-T-17-EAJ

MICHAEL J. ASTRUE,  
Commissioner of Social Security,  
Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This cause is before the Court on the report and recommendation (R&R) issued by Magistrate Judge Elizabeth A. Jenkins on November 5, 2009 (Docket No. 15). The magistrate judge recommends that the Court affirm the decision of the Commissioner and the case be dismissed, with each party to bear its own costs and expenses, and, further, recommends, entry of final judgment in favor of defendant consistent with 42 U.S.C. §§ 405(g) and 1383(c)(3).

Pursuant to Rule 6.02, Rules of the United States District Court for the Middle District of Florida, the parties had ten (10) days after service to file written objections to the proposed findings and recommendations, or be barred from attacking the factual findings on appeal. **Nettles v. Wainwright**, 677 F.2d 404 (5th Cir. 1982) (en banc). No timely objections were filed.

**STANDARD OF REVIEW**

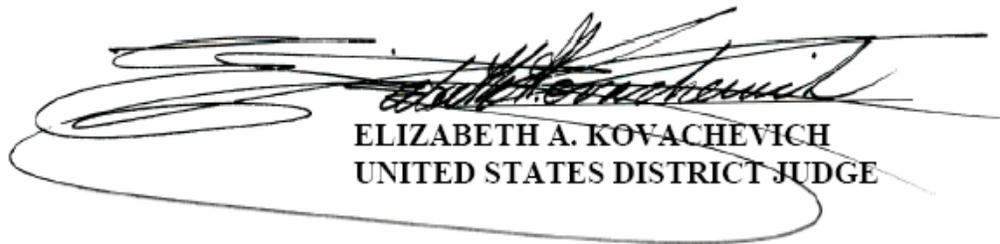
When a party makes a timely and specific objection to a finding of fact in the report and recommendation, the district court should make a de novo review of the record with respect to that factual issue. 28 U.S.C. § 636(b)(1); **U.S. v. Raddatz**, 447 U.S. 667 (1980);

**Jeffrey S. v. State Board of Education of State of Georgia**, 896 f.2d 507 (11th Cir. 1990).

However, when no timely and specific objections are filed, case law indicates that the court should review the findings using a clearly erroneous standard. **Gropp v. United Airlines, Inc.**, 817 F.Supp. 1558, 1562 (M.D. Fla. 1993).

The Court has reviewed the report and recommendation and made an independent review of the record. Upon due consideration, the Court concurs with the report and recommendation. Accordingly, it is

**ORDERED** that the report and recommendation, November 5, 2008 (Docket No. 15) be **adopted and incorporated by reference**; the Court affirms the decision of the Commissioner, and directs the Clerk of Court to enter final judgment in favor of defendant consistent with 42 U.S.C. §§ 405(g) and 1383(c)(3), with each party to bear its own costs and expenses. The Clerk of Court is directed to close the case and terminate any pending motions. **DONE and ORDERED** in Chambers, in Tampa, Florida, this 2nd day of December, 2009.

  
ELIZABETH A. KOVACHEVICH  
UNITED STATES DISTRICT JUDGE

Copies to:

All parties and counsel of record  
Assigned Magistrate Judge