

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

CHRISTINE O'HAGIN,

Plaintiff,

v.

CASE NO: 8:08-cv-1998-T-26TBM

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

Defendant.

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**ORDER**

Pending before the Court is the Report and Recommendation of United States Magistrate Judge Thomas B. McCoun, III, in which he recommends affirming Defendant's decision to deny Plaintiff's claim for Social Security disability benefits and entry of judgment in favor of Defendant. Plaintiff, through counsel, has filed timely objections to the Report and Recommendation in which she specifically objects to the following: (1) "the Magistrate's finding that the Claimant is not entitled to relief on her claim regarding the ALJ's failure to consider her fibromyalgia, carpal tunnel syndrome, essential tremors, and hip pain[;]" (2) "the Magistrate's finding that the Claimant is not entitled to relief on her claim regarding the ALJ's failure to give proper weight to the functional limitations set forth by the Claimant's treating chiropractor[.]" and (3) "the Magistrate's finding that the Claimant is not entitled to relief on her claim regarding the ALJ's making improper credibility findings as to the Claimant's testimony."

The Court, consistent with the obligation imposed by law, has undertaken an independent, *de novo* review of the record before the Court, including the transcript of the

proceedings before the Administrative Law Judge, with regard to each specific objection lodged by Plaintiff against the Report and Recommendation. See Macort v. Prem, Inc., 208 Fed.Appx. 781, 784 (11<sup>th</sup> Cir. 2006) (unpublished) (citing published opinions).<sup>1</sup> After doing so, the Court concludes that the Magistrate Judge's findings and determinations as to the disputed issues are clearly supported by the record. Consequently, the Court will accept in whole the findings and recommendations of the Magistrate Judge. See 28 U.S.C. § 636(b)(1)(c); Fed. R. Civ. P. 72(b)(3).

Accordingly, it is ordered and adjudged as follows:

- 1) The Court accepts in its entirety the Report and Recommendation (Dkt. 13) of United States Magistrate Judge Thomas B. McCoun, III.
- 2) The Court affirms Defendant's decision denying Social Security disability benefits to Plaintiff.
- 3) The Clerk is directed to enter judgment for Defendant and to close this case.

**DONE AND ORDERED** at Tampa, Florida, on February 8, 2010.

s/Richard A. Lazzara  
**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:** Counsel of Record

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<sup>1</sup> Plaintiff's attorney also lodged a general objection in which he stated that "[w]hile the Claimant disputes virtually all of the Magistrate's Report, in the interest of brevity, she highlights below her main objections." Because, in the words of the Eleventh Circuit, "[i]t is *critical* that the objection be sufficiently specific and not a general objection to the report[.]" Macort v. Prem, Inc., 208 Fed.Appx. 781, 784 (11<sup>th</sup> Cir. 2006) (unpublished) (citation to published opinion omitted) (emphasis added), the Court will focus only on the three specific objections advanced by Plaintiff.