

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

BARBARA SOSA,

Plaintiff,

v.

Case No. 8:12-cv-176-T-33TBM

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

Defendant.

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**ORDER**

This matter is before the Court on consideration of the Report and Recommendation of United States Magistrate Judge Thomas B. McCoun III (Doc. # 24), filed on January 25, 2013, in which Judge McCoun recommends that the decision of the Commissioner denying benefits be reversed and the matter remanded for further consideration. Specifically, Judge McCoun found that "the decision of the Commissioner . . . is not supported by substantial evidence or is not in accordance with the correct legal standards," and recommends that the case be "remanded to the Appeals Council . . . for further evaluation of the opinions of Dr. Torres, [a treating physician,] including the post-hearing evidence, in conjunction with all the evidence in the

record.” Id. at 16. As of this date, there are no objections 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. 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).

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, legal conclusions, and the recommendation of Judge McCoun.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) The Report and Recommendation of the Honorable Thomas B. McCoun III, United States Magistrate Judge (Doc. # 24), is **ACCEPTED** and **ADOPTED**.
- (2) The decision of the Commissioner of Social Security denying benefits is **REVERSED** and this matter is **REMANDED** for further proceedings.
- (3) The Clerk is directed to enter judgment in favor of the Plaintiff reflecting that the Commissioner's decision denying benefits is reversed and remanded, and thereafter to close this case.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 12th day of February, 2013.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record