

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ANTHONY LEE BRISSEL,

Plaintiff,

vs.

Case No. 8:12-cv-02317-T-27EAJ

CAROLYN W. COLVIN,  
Commissioner of Social  
Security Administration,

Defendant.

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**ORDER**

BEFORE THE COURT is the Report and Recommendation (Dkt. 17) of the Magistrate Judge recommending that the decision of the Commissioner be reversed and the case remanded for further administrative proceedings. No objections have been filed and the time for such objections has now elapsed.

A district court may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of specific objections, there is no requirement that findings be reviewed *de novo*. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Nevertheless, the district court reviews the report and recommendation for "clear error" even in the absence of objections. *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006). Even if no objections to the findings or recommendations have been filed, the district court may "undertake 'further review . . . , *sua sponte* or at the request of a party, under a *de novo* or any other standard." *Stephens v. Tolbert*, 471 F.3d 1173, 1176 (11 th Cir. 2006) (quoting *Thomas v. Arn*, 474 U.S. 140, 154 (1985)).

Upon consideration, the Magistrate Judge did not clearly err in concluding that the ALJ lacks substantial evidentiary support for concluding that Plaintiff was not disabled prior to January 1, 2008.

Accordingly, the Report and Recommendation (Dkt. 17) is **APPROVED** and **ADOPTED** for all purposes, including for appellate review. The decision of the Commissioner is **REVERSED**, and this case is **REMANDED** for further administrative proceedings consistent with this Order and the Report and Recommendation. The Clerk is directed to **ENTER** final judgment in favor of Plaintiff, and to **CLOSE** the file.

**DONE AND ORDERED** this 4<sup>th</sup> day of March, 2013.

  
**JAMES D. WHITTEMORE**  
**United States District Judge**

Copies to: Counsel of record