

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

T.R.,

Plaintiff,

vs.

Case No. 8:12-cv-02689-T-27EAJ

CAROLYN W. COLVIN
Commissioner of Social
Security Administration,

Defendant.

ORDER

BEFORE THE COURT is the Report and Recommendation (Dkt. 20) from the Magistrate Judge recommending that the decision of the Commissioner be reversed and this case be remanded for further proceedings. No objections have been filed and the time for such objections has now expired.

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 factual findings be reviewed *de novo*, and the court may accept, reject or modify, in whole or in part, the findings and recommendations. § 636(b)(1)(C); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Legal conclusions are reviewed *de novo*, even in the absence of an objection. *See LeCroy v. McNeil*, 397 Fed. Appx. 554, 556 (11th Cir. 2010) (citing *United States v. Warren*, 687 F.2d 347, 348 (11th Cir. 1982)); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (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 Report and Recommendation (Dkt. 20) is **APPROVED** and **ADOPTED** for all purposes, including for appellate review. Accordingly,

(1) The decision of the Commissioner is **REVERSED**, and this case is **REMANDED** for further proceedings consistent with this Order and the Report and Recommendation.

(2) The Clerk is directed to **ENTER** final judgment in favor of Plaintiff and against the Commissioner pursuant to 42 U.S.C. § 405(g) as a “sentence four remand.” The judgment shall state that if Plaintiff ultimately prevails in this case upon remand to the Social Security Administration, any motion for attorneys’ fees under 42 U.S.C. § 406(b) must be filed no later than thirty (30) days after the date of the Social Security letter sent to Plaintiff’s counsel of record at the conclusion of the Agency’s past due benefit calculation stating the amount withheld for attorneys’ fees.

(3) The Clerk is further directed to **CLOSE** the file.

DONE AND ORDERED this 17th day of December, 2013.



JAMES D. WHITTEMORE
United States District Judge

Copies to:
Counsel of Record