

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

RUSSELL J. WAGNER,
Plaintiff,

vs.

CASE NO. 8:13-CIV-28-T-EAK-TGW

CAROLYN W. COLVIN,
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 Thomas G. Wilson on December 11, 2013 (Doc. 18). The magistrate judge recommended that the Court affirm the decision of the Commissioner denying the plaintiff's claims for a period of disability.

Pursuant to Rule 6.02, Rules of the United States District Court for the Middle District of Florida, the parties had fourteen (14) days after service to file written objections to the proposed findings and recommendations, or be barred from attacking the factual findings on appeal. No timely objections to the report and recommendation 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, December 11, 2013 (Doc. 18) be **adopted and incorporated by reference**; the Court **affirms** the decision of the Commissioner denying the plaintiff's claims for a period of disability. The Clerk of Court is directed to enter judgment for the defendant and against the plaintiff, to close the case and terminate any pending motions.

DONE and ORDERED in Chambers, in Tampa, Florida, this 8th day of January, 2014.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to:
All parties and counsel of record

Assigned Magistrate Judge