

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ANTHONY D. SMITH,

Plaintiff,

Case No. 8:14-cv-1111-T-33PDB

v.

Commissioner of Social Security,

Defendant.

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ORDER

This matter is before the Court in consideration of the August 12, 2015, Report and Recommendation of United States Magistrate Judge Patricia D. Barksdale (Doc. # 25), recommending that the decision of the Commissioner denying benefits be affirmed. Plaintiff Anthony Smith filed an Objection to the Report and Recommendation (Doc. # 27) on August 27, 2015. The Commissioner responded to the Objection on September 16, 2015. (Doc. # 31).

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-Hous. 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).


Upon due consideration of the record, including Judge Barksdale's Report and Recommendation as well as the Plaintiff's Objection and the Commissioner's Response, the Court overrules the Objection, adopts the Report and Recommendation, and affirms the Commissioner's decision. The Court agrees with Judge Barksdale's detailed and well-reasoned findings of fact and conclusions of law. The Report and Recommendation thoughtfully addresses the issues presented, and the Objection does not provide a basis for rejecting the Report and Recommendation.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 25) is **ADOPTED**.
- (2) The decision of the Commissioner of Social Security denying benefits is **AFFIRMED**.
- (3) The Clerk is directed to enter judgment in favor of the Commissioner reflecting that the Commissioner's decision denying benefits is affirmed.
- (4) The Clerk is directed to **CLOSE THIS CASE**.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 16th day of September, 2015.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies to: All Counsel of Record