

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MICHAEL HOGARTH,

Plaintiff,

v.

Case No. 8:16-cv-797-T-33AAS

NANCY A. BERRYHILL,
Acting Commissioner of Social
Security,

Defendant.

_____ /

ORDER

This matter is before the Court on consideration of United States Magistrate Judge Amanda Arnold Sansone's Report and Recommendation (Doc. # 24), filed on August 1, 2017, recommending that the decision of the Commissioner of Social Security denying Social Security benefits be reversed and remanded for further administrative proceedings. As of this date, neither party has filed an objection 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. Southern 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 and legal conclusions of the magistrate judge, and the recommendation of the magistrate judge.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 24) is **ACCEPTED** and **ADOPTED**.
- (2) The decision of the Commissioner of Social Security denying benefits is **REVERSED** and **REMANDED** for further administrative proceedings.

(3) The Clerk is directed to enter a Judgment in favor of the Plaintiff reflecting that the Commissioner's decision denying benefits is reversed and remanded. Thereafter, the Clerk is directed to **CLOSE THE CASE.**

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 16th day of August, 2017.

A rectangular area with an orange background containing a handwritten signature in black ink. The signature is partially obscured and appears to be a name followed by initials.