

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

SHELLY M. SHERWOOD,

Plaintiff,

vs.

Case No. 8:16-cv-2762-T-27AEP

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

_____ /

ORDER

BEFORE THE COURT is the Report and Recommendation from the Magistrate Judge recommending that the decision of the Commissioner be reversed and the case be remanded under sentence four of 42 U.S.C. § 405(g). (Dkt. 17). Neither party filed objections and the time for doing so has 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 F. App'x 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,

1. The Report and Recommendation (Dkt. 17) is **APPROVED** and **ADOPTED** for all purposes, including for appellate review.

2. The decision of the Commissioner is **REVERSED** and this case is **REMANDED** under sentence four of 42 U.S.C. § 405(g) for further proceedings.

3. The Clerk shall enter final judgment in favor of Plaintiff and against the Commissioner of Social Security.

4. The Clerk is directed to **CLOSE** the file.

DONE AND ORDERED this 14th day of March, 2018.

/s/ James D. Whittemore

JAMES D. WHITTEMORE
United States District Judge

Copies to:
Counsel of Record