

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

BRYAN J. SMITH,

Plaintiff,

v.

Case No. 8:21-cv-2906-TPB-AAS

KILOLO KIJAKAZI,
Acting Commissioner,
Social Security Administration,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the report and recommendation of Amanda Arnold Sansone, United States Magistrate Judge, entered on June 29, 2022. (Doc. 17). Judge Sansone recommends that “Defendant’s Opposed Motion for Entry of Judgment with Remand” (Doc. 15) be granted in part and the case be remanded with instructions to conduct a rehearing on certain issues. No objections to the report and recommendation were filed, and the time for filing objections has expired.

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); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must “make a de novo determination of those portions of the

[report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon consideration of the record, including Judge Sansone’s report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Sansone’s detailed and well-reasoned findings and conclusions. Consequently, the motion for entry of judgment with remand is granted in part, as set forth below.

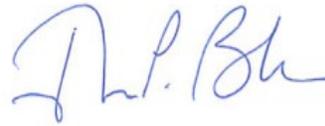
Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

1. Judge Sansone’s report and recommendation (Doc. 17) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
2. “Defendant’s Opposed Motion for Entry of Judgment with Remand” (Doc. 15) is **GRANTED IN PART**.
3. This matter is **REMANDED** with instructions to conduct a rehearing for the limited purpose of reevaluating whether there are jobs available to Mr. Smith in the national economy, and in doing so addressing and resolving any inconsistencies between the residual functional capacity limitations and the requirements of the jobs identified.
4. The motion is otherwise **DENIED**.

5. The Clerk is directed to enter judgment in favor of Plaintiff consistent with this Order, terminate any pending motions or deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 29th day of July, 2022.



TOM BARBER
UNITED STATES DISTRICT JUDGE