

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

JOHN KIZER,

PLAINTIFF,

-vs-

Case No. 1:15-cv-00242-WTH-GRJ

CAROLYN W COLVIN,

DEFENDANT.

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated December 30, 2016. (Doc. 18). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Plaintiff has filed objections at Doc. 20. I have made a de novo review based on those objections.

Having considered the Report and Recommendation, and the timely filed objections, I have determined that the Report and Recommendation should be adopted. The Court agrees with the Magistrate Judge that the Administrative Law Judge correctly found that the treatment notes of Plaintiff's medical providers over the years and the opinion of Dr. Desai provided substantial evidence that Plaintiff was capable of light work with certain limitations. Also, the Court agrees that the ALJ properly explained why he gave little weight to the opinion of examining physician Dr.

McCormick: Dr. McCormick himself stated that his written opinion – based on the assumption that Plaintiff's complaints were genuine – should be entitled to little weight because Plaintiff was exaggerating his symptoms during the examination. Finally, the ALJ properly explained that he relied on the same medical evidence and exaggeration by Plaintiff to find Plaintiff's complaints of pain not credible.

Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. The Clerk is directed to enter judgment stating: "The decision of the Commissioner, denying benefits, is affirmed."
3. The Clerk is directed to close the file.

DONE and ORDERED at Gainesville, Florida this 30th day of May, 2017.



UNITED STATES DISTRICT JUDGE