

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 16-20823-CIV-GAYLES/TURNOFF

CARLOS GARCIA,

Plaintiff,

v.

CAROLYN W. CORVIN,

Defendant.

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on the parties' cross-Motions for Summary Judgment [ECF Nos. 19, 20] and Magistrate Judge William C. Turnoff's Report and Recommendation ("Report") [ECF No. 22]. In his Report, Judge Turnoff recommends that the Court grant-in-part and deny-in-part the parties' cross-motions for summary judgment and remand the case to the Commissioner of the Social Security Administration so the Administrative Law Judge ("ALJ") may state with particularity the weight accorded to all of the relevant medical opinions. Neither party has timely objected to the Report.

A district court may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections "pinpoint the specific findings that the party disagrees with." *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters*,

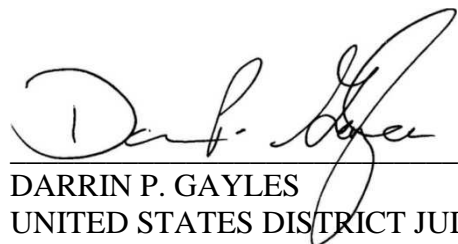
L.L.C., 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

This Court finds no clear error with Judge Turnoff's well-reasoned analysis and agrees that the matter must be remanded.

Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Judge Turnoff's Report and Recommendation [ECF No. 22] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference;
- (2) Plaintiff's Motion for Summary Judgment [ECF No. 19] is **GRANTED in PART and DENIED in PART**;
- (3) Defendant's Motion for Summary Judgment [ECF No. 20] is **GRANTED in PART and DENIED in PART**;
- (4) The decision of the Commissioner is **REVERSED** and this matter is **REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for the ALJ to state with particularity the weight accorded to all relevant medical opinions;
- (5) The Clerk of Court is directed to enter a separate final judgment in favor of the Plaintiff, Carlos Garcia, pursuant to sentence four of 42 U.S.C. § 405(g).
- (6) This action is **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 28th day of June, 2017.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE