

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 20-22752-CIV-GAYLES/OTAZO-REYES

VILMA RODRIGUEZ,

Plaintiff,

v.

**KILOLO KIJAKAZI,
Acting Commissioner for Social Security
Administration,**

Defendant.

_____ /

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge Alicia M. Otazo-Reyes's Report and Recommendation (the "Report"). [ECF No. 29]. On July 2, 2020, Plaintiff filed a Complaint seeking judicial review of the final decision of the Commissioner of Social Security (the "Commissioner") denying Plaintiff's application for supplemental security income. [ECF No. 1]. The matter was referred to Judge Otazo-Reyes pursuant to 28 U.S.C. § 636(b)(1)(B) for a ruling on all pretrial, non-dispositive motions and for a Report and Recommendation on any dispositive motions. [ECF No. 2]. On December 22, 2021, Judge Otazo-Reyes issued her Report recommending that Plaintiff's Motion for Summary Judgment [ECF No. 26] be denied, the Commissioner's Motion for Summary Judgment [ECF No. 27] be granted, and that the Commissioner's decision be affirmed. 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).

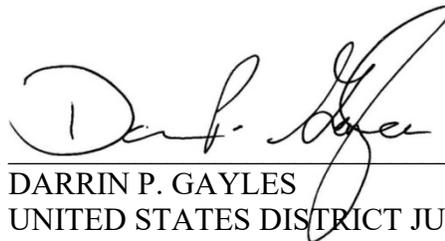
The Court finds no clear error with Judge Otazo-Reyes's well-reasoned analysis and agrees that the Commissioner's decision should be affirmed.

Accordingly, it is

ORDERED AND ADJUDGED as follows:

- (1) Judge Otazo-Reyes's Report and Recommendation [ECF No. 29] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference.
- (2) Plaintiff's Motion for Summary Judgment [ECF No. 26] is **DENIED**.
- (3) The Commissioner's Motion for Summary Judgment [ECF No. 27] is **GRANTED**.
- (4) The Commissioner's decision is **AFFIRMED**.
- (5) This action is **CLOSED** for administrative purposes.

DONE AND ORDERED in Chambers at Miami, Florida, this 11th day of January, 2021.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE