UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:21-cv-21805-GAYLES/TORRES

DENIA LUISA ALVAREZ,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting Commissioner of the Social Security Administration,

Defendant.
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ORDER

THIS CAUSE comes before the Court on Chief Magistrate Judge Edwin G. Torres's Report and Recommendation (the "Report"), [ECF No. 20], regarding the parties' cross motions for summary judgement filed by Plaintiff Denia Luisa Alverez and Defendant Kilolo Kijakazi, Acting Commissioner of the Social Security Administration. [ECF No. 13]; [ECF No. 17]. On May 12, 2021, the Court referred this case to Judge Torres, pursuant to 28 U.S.C. § 636(b)(1)(B), for a ruling on all pre-trial, non-dispositive matters and a report and recommendation on all dispositive matters. [ECF No. 2]. On September 6, 2022, Judge Torres issued his Report recommending that Plaintiff's motion for summary judgement, [ECF No. 13], be granted, that Defendant's motion for summary judgement, [ECF No. 13], be denied, and that the decision of the Administrative Law Judge should be remanded. No objections were filed be either party.

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 objections are 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 objections are 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).

Having reviewed the Report for clear error, the Court agrees with Judge Torres's well-reasoned analysis and conclusion. Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Chief Magistrate Judge Edwin G. Torres's Report and Recommendation, [ECF No. 20], is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference.
2. Plaintiff's Motion for Summary Judgement, [ECF No. 13], is **GRANTED**.
3. Defendant's Motion for Summary Judgement, [ECF No. 17], is **DENIED**.
4. This matter shall be remanded to the Administrative Law Judge for further proceedings.

DONE AND ORDERED in Chambers at Miami, Florida, this 14th day of September, 2022.

DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE