

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 21-23740-Civ-COKE/DAMIAN

ELEAN PEREZ PEREZ,

Plaintiff,

vs.

KILOLO KIJAKAZI, *Acting*  
*Commissioner of Social Security,*

Defendant.

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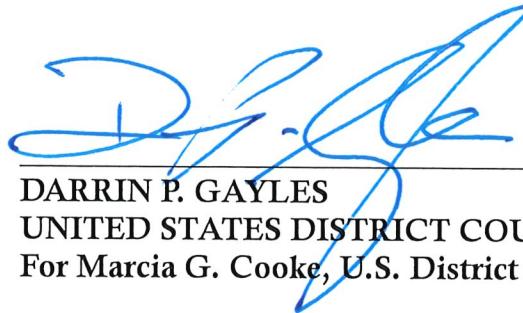
**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

THIS MATTER was referred to the Honorable Melissa Damian, United States Magistrate Judge, under 28 U.S.C. § 636(b)(1)(B) and the Clerk's directive for a ruling on all pre-trial, non-dispositive matters, and for a Report and Recommendation on any dispositive matters. *See* ECF Nos. 2, 16. On March 28, 2021, Plaintiff filed a Motion for Summary Judgment. *See* ECF No. 18. On May 26, 2022, Defendant filed a Cross-Motion for Summary Judgment and Response to Plaintiff's Motion for Summary Judgment. *See* ECF No. 21. On November 3, 2022, Judge Damian issued a Report recommending that the Decision of the Commissioner be affirmed, that Plaintiff's Motion for Summary Judgment (ECF No. 18) be denied, and that Defendant's Motion for Summary Judgment (ECF No. 21) be granted. *See* ECF No. 23. The parties have not filed objections to Judge Damian's Report, and the time to do so has passed.

The Court has reviewed the Report and the relevant record and agrees with the reasoning and recommendations set forth therein. Finding no clear error, the Court **AFFIRMS and ADOPTS** Judge Damian's Report (ECF No. 23). It is hereby **ORDERED and ADJUDGED** that Plaintiff's Motion for Summary Judgment (ECF No. 18) is **DENIED** and that Defendant's Motion for Summary Judgment (ECF No. 21) is **GRANTED**. The

Court will separately issue a final judgment under Federal Rule of Civil Procedure 58. The Clerk shall CLOSE this case. Any pending motions are DENIED *as moot*.

DONE AND ORDERED in Chambers, in Miami, Florida this 21st day of November, 2022.



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DARRIN P. GAYLES  
UNITED STATES DISTRICT COURT JUDGE  
For Marcia G. Cooke, U.S. District Judge

Copies furnished to:  
*Melissa Damian, U.S. Magistrate Judge*  
*Counsel of record*