

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

DENNIS M. MECCA,

Plaintiff,

v.

Case No. 3:16-cv-1471-J-34JRK

NANCY A. BERRYHILL, Acting Commissioner
of the Social Security Administration,

Defendant.

ORDER

THIS CAUSE is before the Court on Magistrate Judge James R. Klindt's Report and Recommendation (Doc. 24; Report), entered on December 15, 2017. In the Report, Magistrate Judge Klindt recommends that the Commissioner of Social Security's (the Commissioner's) decision be affirmed. See Report at 10. Plaintiff filed Plaintiff's Objections to Magistrate Judge's Report and Recommendation and Request for Oral Argument (Doc. 25; Objections) on December 27, 2017. Upon review, the Court struck the Objections as being wholly inadequate and gave counsel an opportunity to properly file any good faith objections. See Order (Doc. 27). Subsequently, on January 29, 2018, Plaintiff filed Plaintiff's Amended Objections to Magistrate Judge's Report and Recommendation and Request for Oral Argument (Doc. 28; Amended Objections). The Commissioner filed the Commissioner's Response to Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (Doc. 29; Response) on February 1, 2018. As such, the matter is ripe for the Court's consideration.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If no specific objections to findings of fact are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993; See also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:08-mc-8-FtM-29SPC, 2007 WL 1428615, at *1 (M.D. Fla. May 14, 2007).

The Court has reviewed the Report, the Amended Objections, and the Response.¹ Upon independent review of the file and for the reasons stated in Judge Klindt’s Report, the Court will overrule the Amended Objections, and accept and adopt the legal and factual conclusions recommended by Judge Klindt. Accordingly, it is hereby **ORDERED**:

1. The objections set forth in Plaintiff’s Amended Objections to Magistrate Judge’s Report and Recommendation and Request for Oral Argument (Doc. 28) are **OVERRULED**.
2. The Magistrate Judge’s Report and Recommendation (Doc. 24) is **ADOPTED** as the opinion of the Court.

¹ Objections to specific findings of fact are reviewed de novo by the district court. See Macort v. Prem, Inc., 208 F. App’x 781, 784 (11th Cir. 2006) (“Where a proper, specific objection to the magistrate judge’s report is made, it is clear that the district court must conduct a de novo review of that issue.”). Plaintiff asserts that a note by Dr. McCormick stating Plaintiff is functioning at a “light activity level” has a different meaning than the 20 C.F.R. § 404.1567(b) definition of “light work” and refers, instead, to a definition of “light intensity activity” as defined by San Diego State University. See Amended Objections at 4; Record at 8. The Court finds no support for this assertion. More importantly, upon de novo review of the record, the Court concludes that the Magistrate Judge’s finding that Plaintiff is able to perform “a reduced range of light work,” as defined by 20 C.F.R. § 404.1567(b), is fully supported by the record. See Report at 9.

3. The Clerk of the Court is directed to enter judgment pursuant to sentence four of 42 U.S.C. § 405(g) and § 1383(c)(3) **AFFIRMING** the Commissioner's final decision and close the file.

DONE AND ORDERED in Jacksonville, Florida this 21st day of February, 2018.


MARCIA MORALES HOWARD
United States District Judge

i40

Copies to:

Counsel of Record