UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION

DAVID HARPER,

Plaintiff,

v.

Case No: 6:16-cv-2146-Orl-41JBT

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER

THIS CAUSE is before the Court on Plaintiff's Complaint (Doc. 1). Plaintiff seeks review from a final decision of the Commissioner of Social Security ("the Commissioner") denying his application for Disability Insurance Benefits and a period of disability. United States Magistrate Judge Joel B. Toomey submitted a Report and Recommendation (Doc. 18), wherein he recommends that the final decision be reversed and remanded for further proceedings.

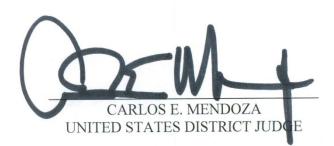
After a *de novo* review of the record, and noting that no objections were timely filed, the Court agrees with the analysis set forth in the Report and Recommendation. Therefore, it is

ORDERED and **ADJUDGED** as follows:

- 1. The Report and Recommendation (Doc. 18) is **ADOPTED** and **CONFIRMED** and made part of this Order.
- 2. The final decision of the Commissioner is **REVERSED** and **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.
- 3. The Clerk is directed to enter judgment in favor of the Plaintiff and close this case.

4. Should Plaintiff choose to file a motion for attorney's fees pursuant to 42 U.S.C.
§ 406(b), Plaintiff shall file said motion within thirty days of Plaintiff's receipt of notice from the Social Security Administration of the Agency's past-due benefit calculation stating the amount withheld for attorney's fees.

DONE and ORDERED in Orlando, Florida on November 28, 2017.



Copies furnished to:

Counsel of Record