

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DONNIE RAY LANE,

Plaintiff,

v.

Case No. 6:16-cv-2160-Orl-37TBS

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In this social security appeal, Plaintiff seeks review of the Commissioner's decision to deny him social security disability benefits. (Doc. 1.) Specifically, Plaintiff argues that the administrative law judge ("ALJ") erred by: (1) failing to adequately weigh the opinions of his treating physicians; and (2) providing an inaccurate hypothetical about his limitations to the vocational expert ("VE"). (Doc. 18, pp. 8-29.) On referral, U.S. Magistrate Judge Thomas B. Smith recommends that the Court affirm the Commissioner's final decision. (Doc. 19 ("R&R").)

In his R&R, Magistrate Judge Smith concludes that: (1) the ALJ appropriately weighed the opinions of Plaintiff's treating physicians, even those opinions that were rendered prior to the onset of Plaintiff's disability; (2) Plaintiff was not prejudiced by the ALJ's failure to weigh one treating physician's particular statements unrelated to his functional limitations; and (3) the ALJ's hypothetical to the VE was based on substantial evidence. (*Id.* at 4-12.)

The parties did not object to the R&R, and the time for doing so has now passed. Hence the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 19) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The decision of the Commissioner is **AFFIRMED**.
3. The Clerk is **DIRECTED** to:
 - a. Enter judgment in favor of Defendant Commissioner of Social Security and against Plaintiff Donnie Ray Lane; and
 - b. Close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on January 30, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:

Counsel of Record