

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

**SHELLY M. SHERWOOD,**

**Plaintiff,**

**vs.**

**Case No. 8:16-cv-2762-T-27AEP**

**NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,**

**Defendant.**

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**ORDER**

**BEFORE THE COURT** is the Report and Recommendation from the Magistrate Judge recommending that the decision of the Commissioner be reversed and the case be remanded under sentence four of 42 U.S.C. § 405(g). (Dkt. 17). Neither party filed objections and the time for doing so has expired.

A district court may accept, reject or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of specific objections, there is no requirement that factual findings be reviewed *de novo*, and the court may accept, reject or modify, in whole or in part, the findings and recommendations. § 636(b)(1)(C); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Legal conclusions are reviewed *de novo*, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010) (citing *United States v. Warren*, 687 F.2d 347, 348 (11th Cir. 1982)); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

After conducting a careful and complete review of the findings, conclusions, and recommendations, and giving *de novo* review to matters of law,

1. The Report and Recommendation (Dkt. 17) is **APPROVED** and **ADOPTED** for all purposes, including for appellate review.

2. The decision of the Commissioner is **REVERSED** and this case is **REMANDED** under sentence four of 42 U.S.C. § 405(g) for further proceedings.

3. The Clerk shall enter final judgment in favor of Plaintiff and against the Commissioner of Social Security.

4. The Clerk is directed to **CLOSE** the file.

**DONE AND ORDERED** this 14th day of March, 2018.

*/s/ James D. Whittemore*

**JAMES D. WHITTEMORE**  
**United States District Judge**

Copies to:  
Counsel of Record