

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RENEE KEENE,

Plaintiff,

v.

Case No: 2:17-cv-586-FtM-38CM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER¹

Before the Court is Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 24](#)). Judge Mirando recommends that the decision of Defendant Commissioner of Social Security be reversed. Neither party filed a timely objection to the Report and Recommendation, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. See [28 U.S.C. § 636\(b\)\(1\)](#); see also [Williams v. Wainwright](#), [681 F.2d 732 \(11th Cir. 1982\)](#). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, [Garvey v. Vaughn](#), [993](#)

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F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).


After careful consideration and an independent review of the file, the Court accepts and adopts the Report and Recommendation (Doc. 24) in full.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. 24) is **ACCEPTED and ADOPTED** and incorporated into this Order.
2. Pursuant to 42 U.S.C. § 405(g), the Commissioner's decision is **REVERSED and REMANDED** to the Commissioner for consideration of the following:
 - a. The new evidence that Keene submitted from her treating psychiatrist Dr. Kilchenstein;
 - b. A reevaluation of the severity of Keene's mental impairments;
 - c. A reevaluation of Keene's residual functional capacity ("RFC") in light of all evidence in the record, including the new evidence;
 - d. A reevaluation of the availability of jobs in significant numbers that Keene may perform with her RFC; and
 - e. Any other determinations consistent with the Report and Recommendation, or in the interests of justice.
3. The Clerk is **DIRECTED** to enter judgment pursuant to 42 U.S.C. § 405(g), sentence four, in favor of Keene, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 23rd day of January, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record