

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

HEATHER ELIZABETH UMBAUGH,

Plaintiff,

Case No. 8:17-cv-1231-T-33TGW

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

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**ORDER**

This matter is before the Court on consideration of the Report and Recommendation of United States Magistrate Judge Thomas G. Wilson (Doc. # 25), filed on August 7, 2018, recommending that the decision of the Commissioner denying benefits be affirmed. Plaintiff filed an objection to the Report and Recommendation (Doc. # 26) on August 22, 2018. The Commissioner filed a response to the objection on September 4, 2018. (Doc. # 29). As explained below, the Court adopts the Report and Recommendation.

**Discussion**

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. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings de novo, Garvey v. Vaughn, 993 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-Hous. v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

Upon due consideration of the record, including Judge Wilson's Report and Recommendation as well as the Plaintiff's objection thereto, the Court overrules the objection, adopts the Report and Recommendation, and affirms the Commissioner's decision. The Court agrees with Judge Wilson's detailed and well-reasoned findings of fact and conclusions of law. The Report and Recommendation thoughtfully addresses the issues presented, and the

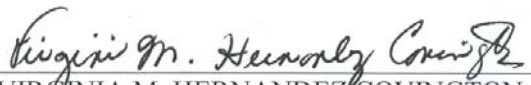
objection does not provide a basis for rejecting the Report and Recommendation.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) The Report and Recommendation (Doc. # 25) is **ADOPTED**.
- (2) Plaintiff's objection (Doc. # 26) is **OVERRULED**.
- (3) The decision of the Commissioner of Social Security denying benefits is **AFFIRMED**.
- (4) The Clerk is directed to enter judgment in favor of the Commissioner reflecting that the Commissioner's decision denying benefits is affirmed.
- (5) The Clerk is directed to **CLOSE THIS CASE**.

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 5th day of September, 2018.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE