

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

LILLIAN HERNANDEZ FIGUEROA,

Plaintiff,

v.

Case No: 6:17-cv-1480-ORL-18GJK

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

THIS CAUSE against the Commissioner of Social Security (“Commissioner”) was initiated on August 14, 2017, when Lillian Hernandez Figueroa (“Plaintiff”) filed a Complaint challenging the denial of her application for payment of Supplemental Security Income benefits by the Commissioner (“Decision”). (*See* Doc. 1; Doc. 13-2, pp. 3–9, 31–56 (providing notice of unfavorable Decision and denial of administrative appeal).) Invoking 42 U.S.C. § 1383(c)(3), Plaintiff demands that the Court reverse the Decision and approve the Application or remand to the Commissioner for further proceedings. (*See* Doc. 1, ¶7; *see also* Doc. 19, p. 29.)

On October 27, 2017, the Commissioner filed an Answer to the Complaint (Doc. 11), a certified transcript of the administrative proceedings (Doc. 13), and notice that the parties do not consent to final disposition of the cause by a Magistrate Judge (Doc. 12). *See* 28 U.S.C. § 636(c). Absent consent, the cause was referred to United States Magistrate Judge Gregory J. Kelly for issuance of a report and recommendation, *See* 28 U.S.C. § 636(b)(1); Local Rule 6.01(c)(21).) As directed by Judge Kelly, the parties filed a Joint Memorandum of Law setting forth their respective arguments regarding Plaintiff’s four grounds for reversal of the Decision (“Disputed Issues”). (*See* Doc. 19, pp. 6–28; *see also* Docs. 16, 18).) In the Report issued on April 24, 2018, Judge Kelly

on April 24, 2018, Judge Kelly recommended that the Court affirm the Decision and enter judgment for the Commissioner. (*See* Doc. 20.)

Upon review, the Court may “accept, reject, or modify” the Report in whole or in part. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The Court has not reviewed the Report de novo because more than fourteen days have passed since the Report issued, and no objections were filed. *See Marcort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Roundtree v. Bush Ross, P.A.*, 304 F.R.D. 644, 650 (M.D. Fla. 2015). Instead, upon review for clear error, the Court agrees with Judge Kelly’s thoughtful analysis of the Disputed Issues and will adopt his recommendations. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

1. The Report and Recommendation (Doc. 20) is **ACCEPTED, APPROVED, ADOPTED**, and is made part of this Order for all purposes, including appellate review.
2. Defendant Commissioner of Social Security’s final administrative decision (Doc. 13-2, pp. 3–9, 31–56) is **AFFIRMED**.
3. The Clerk of Court is **DIRECTED** to: (a) enter judgment for the Defendant Commissioner of Social Security and against Plaintiff Lillian Hernandez Figueroa; and (b) **CLOSE** this case.

DONE and **ORDERED** in Orlando, Florida, this 12 day of June, 2018



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies to:
Counsel of Record