

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

ALEXANDER ORTIZ MONTES,

Plaintiff,

v.

Case No. 6:17-cv-1481-Orl-37TBS

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

In this social security appeal, Plaintiff Alexander Ortiz Montes ("**Montes**") seeks review of the Commissioner's decision to deny him social security disability benefits. (Doc. 1.) In support, Plaintiff lobs several objections to the Administrative Law Judge's ("**ALJ**") unfavorable decision from June 16, 2016 to deny his benefits, including: (1) an erroneous conclusion that he has residential functional capacity to perform sedentary work; (2) inaccurate findings regarding the vocational expert's testimony; and (3) the lack of substantial evidence to support the credibility determination. (*See* Doc. 25, pp. 17-30.)

On referral, U.S. Magistrate Judge Thomas B. Smith recommends that the Court affirm the Commissioner's decision. (Doc. 26 ("**R&R**").) Specifically, Magistrate Judge Smith disagrees with Montes's contentions, finding that that the Commissioner's decision was made pursuant to the correct legal standard with substantial supporting evidence. (*Id.* at 13.)

The parties did not object to the R&R, and the time for doing so has now passed.

Absent objections, 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. 26) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Commissioner's final decision is **AFFIRMED**.
3. The Clerk is **DIRECTED** to enter judgment in favor of Defendant Commissioner of Social Security and against Plaintiff Alexander Ortiz Montes and to close this case.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on June 13, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record