

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

TIMOTHY P. DINEEN,

Plaintiff,

v.

Case No: 8:17-cv-1773-T-27AAS

**NANCY BERRYHILL, Deputy
Commissioner for Operations, Social
Security Administration,**

Defendant.

_____ /

ORDER

BEFORE THE COURT is the Report and Recommendation from the Magistrate Judge recommending that the decision of the Commissioner be affirmed and the complaint be dismissed. (Dkt. 22). 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. 22) is **APPROVED** and **ADOPTED** for all

purposes, including for appellate review.

2. The decision of the Commissioner is **AFFIRMED**. Plaintiff's Complaint is **DISMISSED**.

3. The Clerk shall enter final judgment in favor of Nancy Berryhill, Deputy Commissioner for Operations, Social Security Administration and against the Plaintiff.

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

DONE AND ORDERED this 18th day of January, 2019.

/s/ James D. Whittemore

JAMES D. WHITTEMORE
United States District Judge

Copies to: Counsel of record
Pro Se Plaintiff