

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

EREL KERN,

Plaintiff,

v.

Case No. 8:17-cv-2129-T-33CPT

NANCY A. BERRYHILL,
Deputy Commissioner for
Operations, performing the
duties and functions not
reserved to the Commissioner of
Social Security,

Defendant.

_____ /

ORDER

This matter is before the Court on consideration of United States Magistrate Judge Christopher P. Tuite's Report and Recommendation (Doc. # 23), filed on February 6, 2019, recommending that the decision of the Commissioner of Social Security dismissing Plaintiff's claim for Social Security Disability Insurance Benefits be affirmed. As of this date, neither party has filed an objection to the report and recommendation, and the time for the parties to file such objections has elapsed.

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-Houston v. Southern 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).

After conducting a careful and complete review of the findings, conclusions and recommendations, and giving de novo review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge, and the recommendation of the magistrate judge.

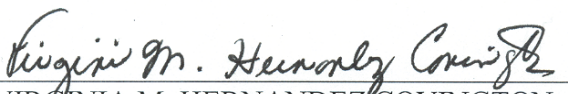
Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 23) is **ACCEPTED** and **ADOPTED**.
- (2) The decision of the Commissioner of Social Security is **AFFIRMED**.

(3) The Clerk is directed to enter a Judgment in favor of the Commissioner reflecting that the Commissioner's decision is affirmed. Thereafter, the Clerk is directed to **CLOSE THE CASE.**

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 21st day of February, 2019.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE