

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LESHONE LIVINGSTON,

Plaintiff,

v.

Case No. 8:17-cv-2276-T-33AEP

NANCY A. BERRYHILL,
Acting Commissioner of Social
Security,

Defendant.

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ORDER

This matter comes before the Court upon consideration of United States Magistrate Judge Anthony E. Porcelli's Report and Recommendation (Doc. # 25), entered on December 27, 2018, recommending that the decision of the Commissioner of Social Security denying Social Security benefits be affirmed. Plaintiff Leshone Livingston filed an Objection to the Report and Recommendation on January 10, 2019. (Doc. # 26). The Commissioner did not respond to the Objection, and the time to respond has expired.

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). 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. 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) (Table).

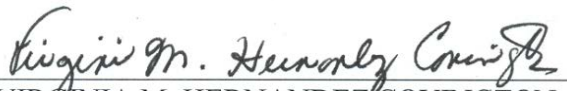
Upon due consideration of the record, including Judge Porcelli's Report and Recommendation as well as Livingston's Objection thereto, the Court overrules the Objection, adopts the Report and Recommendation, and affirms the Commissioner's decision. The Court agrees with Judge Porcelli's detailed and well-reasoned factual findings and legal conclusions. 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 now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 25) is **ACCEPTED** and **ADOPTED**.
- (2) The decision of the Commissioner of Social Security denying benefits is **AFFIRMED**.
- (3) The Clerk is directed to enter a Judgment in favor of the Commissioner reflecting that the Commissioner's decision denying benefits is affirmed. Thereafter, the Clerk is directed to **CLOSE THE CASE**.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 25th day of January, 2019.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE