

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JOHN EMORY ROBERTSON,

Plaintiff,

v.

Case No: 8:18-cv-817-T-36TGW

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Thomas G. Wilson on October 18, 2018 (Doc. 19). Magistrate Judge Wilson recommends that the Commissioner's Motion to Dismiss be denied and that this matter be remanded to the Defendant for a hearing before a law judge on the merits of Plaintiff's claim. Neither party has objected to the Report and Recommendation and the time to do so has expired.

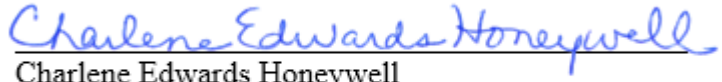
After careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** as follows:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 19) is **ADOPTED, CONFIRMED, and APPROVED** in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) The Commissioner's Motion to Dismiss Plaintiff's Complaint (Doc. 13) is **DENIED**.

- (3) This case is **REMANDED** to the Commissioner for a hearing before an administrative law judge on the merits of the Plaintiff's claim.
- (4) The Clerk is directed to terminate any pending motions and close this case.

**DONE** and **ORDERED** at Tampa, Florida on November 5, 2018.

  
Charlene Edwards Honeywell  
United States District Judge

**Copies furnished to:**

Counsel of Record

U.S. Magistrate Judge Thomas G. Wilson