

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DAVID ANTHONY RODRIGUEZ,

Plaintiff,

v.

Case No: 6:18-cv-1375-Orl-41GJK

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

_____ /

ORDER

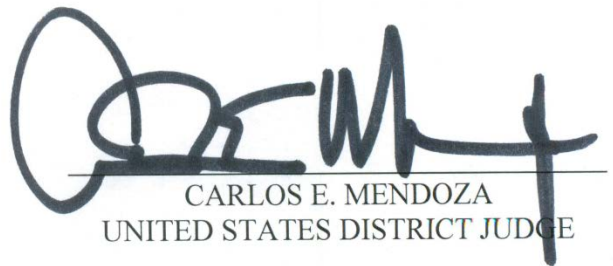
THIS CAUSE is before the Court on Plaintiff's Complaint (Doc. 1). Plaintiff seeks review of a final decision of the Commissioner of Social Security denying his application for Supplemental Security Income benefits. United States Magistrate Judge Gregory J. Kelly issued a Report and Recommendation (Doc. 29), in which he recommends that the Court affirm the Commissioner's final decision.

Plaintiff filed an Objection (Doc. 30) to the Report and Recommendation. Therein, Plaintiff argues that he was not required to raise his Appointments Clause challenge in his prior administrative proceedings under *Sims v. Apfel*, 530 U.S. 103 (2000). The Court previously addressed this argument in granting Defendant's Second Amended Motion for Partial Dismissal, or in the Alternative, for Partial Summary Judgment. (April 16, 2019 Order, Doc. 28, at 1–2 (finding that Plaintiff was required to raise his Appointments Clause challenge at some point during the administrative proceedings)).

After a *de novo* review, the Court agrees with the analysis set forth in the Report and Recommendation. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 29) is **ADOPTED** and **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 the Commissioner and close this case.

DONE and **ORDERED** in Orlando, Florida on May 23, 2019.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record