

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BRYAN J. SMITH,

Plaintiff,

v.

Case No: 8:18-cv-2049-T-36CPT

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

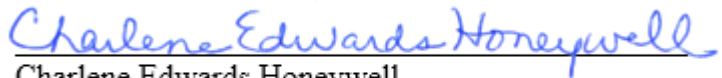
This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Christopher P. Tuite on May 23, 2019 (Doc. 22). Magistrate Judge Tuite recommends the following: 1) granting the Commissioner's motion (Doc. 21); 2) reversing and remanding this action for further proceedings before the Commissioner consistent with the Court's Order; 3) directing the Clerk to enter Judgment in the Plaintiff's favor and to close the case; and 4) retaining jurisdiction on the matter of attorney's fees and costs pending further motion. 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. 22) is **ADOPTED**, **CONFIRMED**, and **APPROVED** in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) Defendant's Unopposed Motion for Entry of Judgment with Remand (Doc. 21) is **GRANTED**.
- (3) The final decision of the Commissioner is **REVERSED**. This case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings.
- (4) The Clerk is directed to terminate any pending motions, enter a judgment in favor of Plaintiff, and close this case.
- (5) The Court retains jurisdiction for the limited purpose of considering attorney's fees and costs.

DONE and **ORDERED** at Tampa, Florida on June 10, 2019.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:

Counsel of Record

U.S. Magistrate Judge Christopher P. Tuite