

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOEL RIVAS,

Plaintiff,

v.

Case No. 8:22-cv-2358-VMC-JSS

COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION,

Defendant.

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ORDER

This matter comes before the Court upon consideration of United States Magistrate Judge Julie S. Sneed's Report and Recommendation (Doc. # 21), entered on November 17, 2023, recommending that the decision of the Commissioner of Social Security denying benefits be reversed and the matter remanded for further proceedings.

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.

Discussion

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 recommendation. 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).

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.


Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 21) is **ACCEPTED** and **ADOPTED**.
- (2) The decision of the Commissioner of Social Security is **REVERSED** and the matter is **REMANDED** under sentence four of 42 U.S.C. § 405(g) for further consideration as discussed in the Report and Recommendation.

(3) The Clerk is directed to enter judgment accordingly and, thereafter, **CLOSE** this case.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 5th day of December, 2023.



VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE