

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SUSAN CAROLYN FERRIS MOORE,

Plaintiff,

v.

Case No: 8:22-cv-2410-MSS-SPF

ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

ORDER

THIS CAUSE comes before the Court for consideration of Plaintiff's Complaint seeking review of the denial of her claim for Social Security Disability benefits. (Dkt. 1) On January 19, 2024, United States Magistrate Judge Sean P. Flynn issued a Report and Recommendation, which recommended that the Commissioner's decision be reversed because the ALJ's decision was not based on substantial evidence and did not employ proper legal standards. The Commissioner has not objected to Judge Flynn's Report and Recommendation and the deadline for doing so has passed. Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Court **REVERSES** the decision of the Commissioner of Social Security and **REMANDS** this case to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings.


In the Eleventh Circuit, a district judge may accept, reject, or modify the magistrate judge's report and recommendation after conducting a careful and complete review of the findings and recommendations. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982). A district judge “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This requires that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). Absent 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. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation (Dkt. 11) is **CONFIRMED** and **ADOPTED** as part of this Order.

2. The Commissioner's decision is **REVERSED** and this matter is **REMANDED** to the Commissioner. On remand, the ALJ shall specifically consider SSR 03-2p in evaluating Plaintiff's chronic regional pain syndrome ("CRPS") and identify what, if any, limitations CRPS placed on her ability to work during the relevant period of August 2, 2019, through September 6, 2021. Thereafter, the ALJ shall reconsider Plaintiff's claim for disability benefits.
3. The Clerk is **DIRECTED** to enter judgment for the Plaintiff and against the Defendant. The Clerk is further directed to terminate any pending motions and **CLOSE** this case.

DONE and **ORDERED** in Tampa, Florida, this 21st day of February 2024.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person