

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MARGARITA ROSARIO,

Plaintiff,

v.

Case No.: 2:23-cv-119-SPC-NPM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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OPINION AND ORDER

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation ("R & R"). (Doc. 17). Judge Mizell recommends affirming the decision of the Commissioner of the Social Security Administration. Neither party objects to the R & R, and the time to do so has expired. So the R & R is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge "may accept, reject, or modify, in whole or in part," a magistrate judge's R & R. 28 U.S.C. § 636(b)(1)(C). In the absence of specific objections, there is no requirement that a district judge review the R & R de novo. *See Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don't object, a district court need only correct plain error as demanded by the interests of justice. *See, e.g., Symonette v. V.A. Leasing*

Corp., 648 F. App'x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) “an error occurred”; (2) “the error was plain”; (3) “it affected substantial rights”; and (4) “not correcting the error would seriously affect the fairness of the judicial proceedings.” *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999).

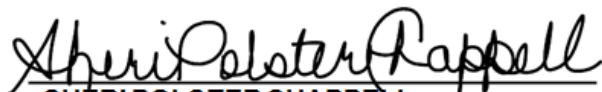
After careful consideration and an independent review of the case, the Court finds no plain error. So it accepts and adopts the R & R in full.

Accordingly, it is now

ORDERED:

1. United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation (Doc. 17) is **ACCEPTED and ADOPTED**, and the findings incorporated herein.
2. The Clerk is **DIRECTED** to enter judgment, deny any pending motions as moot, terminate all deadlines, and close the case.

DONE and ORDERED in Fort Myers, Florida on March 5, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record