

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

MELODY RAINEY,

Plaintiff,

v.

Case No. 8:23-cv-931-VMC-SPF

COMMISSIONER,  
SOCIAL SECURITY ADMINISTRATION,

Defendant.

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**ORDER**

This matter comes before the Court upon consideration of United States Magistrate Judge Sean P. Flynn's Report and Recommendation (Doc. # 20), entered on August 1, 2024, recommending that the decision of the Commissioner of Social Security denying benefits be affirmed.

On August 8, 2024, Plaintiff filed an objection to the Report and Recommendation. (Doc. # 21). The Commissioner did not file a response to the objection.

The Court accepts and adopts the Report and Recommendation, overrules the objection, and affirms the Commissioner's decision.

**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). If a party files a timely and specific objection to a finding of fact by the magistrate judge, the district court must conduct a *de novo* review with respect to that factual issue. Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992). 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).

Ms. Rainey's objection presents two arguments. First, the ALJ failed to "properly evaluate the medical opinion evidence" by "rejecting the limitations described . . . by treating physician Dr. Roetzheim and those from the Agency's own examining physician, Dr. Syed." (Doc. # 21 at 1). Second,

the ALJ failed to properly evaluate Ms. Rainey's testimony regarding her pain. (Id. at 6-7).

The Court is unpersuaded by these arguments. Rather, the Court agrees with Judge Flynn's analysis rejecting these arguments. First, "[t]he ALJ reviewed Plaintiff's medical records . . . and found the state agency physicians' administrative findings more persuasive in formulating Plaintiff's RFC for light work with limitations." (Doc. # 20 at 17). Second, "substantial evidence supports the ALJ's evaluation of Plaintiff's allegations of subjective pain." (Id. at 21).

Upon due consideration of the record, including Judge Flynn's Report and Recommendation as well as the objection thereto, the Court overrules the objection and adopts the Report and Recommendation. The Court agrees with Judge Flynn's well-reasoned findings of fact and conclusions of law. The Report and Recommendation thoughtfully addresses the issues presented, and the objection does not provide a basis for rejecting the Report and Recommendation.

Accordingly, it is now


**ORDERED, ADJUDGED, and DECREED:**

- (1) The Report and Recommendation (Doc. # 20) is **ACCEPTED** and **ADOPTED**.

(2) The decision of the Commissioner of Social Security is **AFFIRMED**.

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

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 28th day of August, 2024.

  
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VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE