

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

WILLIAM J. BOSCH,

Plaintiff,

v.

Case No. 6:23-cv-1613-RBD-EJK

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

On referral in this Social Security appeal, U.S. Magistrate Judge Embry J. Kidd entered a Report and Recommendation, submitting that the Court should affirm the Commissioner's decision denying Plaintiff benefits. (Doc. 25 ("R&R").) Plaintiff objects, arguing that the Administrative Law Judge failed to meet the articulation requirement and properly consider Plaintiff's symptom fluctuation when assessing residual functional capacity. (Doc. 26 ("Objection").) After an independent *de novo* review of the record and the Objection, the Court agrees with Judge Kidd's R&R. *See* 28 U.S.C. § 636(b)(1); *Ernest S. ex rel. Jeffrey S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990). Plaintiff's Objection rehashes the same arguments made before Judge Kidd, which he thoroughly and adequately addressed and rejected in his well-reasoned R&R, so it is due to be overruled. (Doc.

25, pp. 10, 12-13.)

Accordingly, it is **ORDERED AND ADJUDGED**:

1. Plaintiff's Objection (Doc. 26) is **OVERRULED**.
2. The R&R (Doc. 25) is **ADOPTED AND CONFIRMED** and made a part of this Order in its entirety.
3. The Commissioner's decision is **AFFIRMED**.
4. The Clerk is **DIRECTED** to enter judgment in favor of Defendant and against Plaintiff and then to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on September 10, 2024.




ROY B. DALTON, JR.
United States District Judge