

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STORMI JADE GALLON,

Plaintiff,

v.

Case No: 8:23-cv-2476-MSS-AEP

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

THIS CAUSE comes before the Court for consideration of Defendant's Unopposed Motion to Remand to the Commissioner of Social Security. (Dkt. 16) On April 2, 2024, United States Magistrate Judge Anthony E. Porcelli issued a Report and Recommendation, (Dkt. 17), which recommended Defendant's Motion be granted. Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Court **GRANTS** Defendant's Unopposed Motion to Remand to the Commissioner of Social Security.

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 the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is **ORDERED** that:


1. The Report and Recommendation, (Dkt. 17), is **CONFIRMED** and **ADOPTED** as part of this Order.
2. Defendant’s Unopposed Motion to Remand to the Commissioner of Social Security, (Dkt. 16), is **GRANTED**.
3. The Clerk is **DIRECTED** to enter judgment for Plaintiff and the Commissioner’s decision is **REVERSED** under sentence four of 42 U.S.C. § 405(g). The case is **REMANDED** for further administrative

proceedings consistent with the reasons stated in the Commissioner's Motion.

4. The Clerk is **DIRECTED** to close this case and terminate any pending motions.

DONE and **ORDERED** in Tampa, Florida, this 3rd day of April 2024.

Copies furnished to:
Counsel of Record
Any Unrepresented Person



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE