

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ANNIE BORBA,

Plaintiff,

v.

Case No: 8:24-cv-00502-MSS-LLL

**MARTIN O'MALLEY,
Commissioner of Social Security,**

Defendant.

ORDER

THIS CAUSE comes before the Court for consideration of the Commissioner's Unopposed Motion for Entry of Judgment with Remand, (Dkt. 20), and Magistrate Judge Laura Lothman Lambert's Report and Recommendation. (Dkt. 21) Therein, Judge Lambert recommends that the Motion be granted, the Commissioner's decision be reversed, and the case be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). (Id.) Plaintiff does not oppose the Motion.

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, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). 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)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo* 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); see Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993). 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).

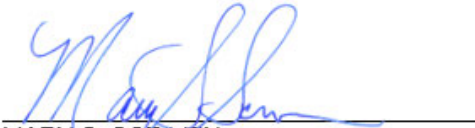
Upon consideration of the Report and Recommendation, and in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 21), is **CONFIRMED** and **ADOPTED** as part of this Order.
2. The Commissioner’s Unopposed Motion for Entry of Judgment with Remand, (Dkt. 20), is **GRANTED**.
3. The Commissioner’s decision denying Plaintiff’s application for a period of disability and disability insurance benefits is **REVERSED**.
4. The case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings

consistent with the reasons stated in the Commissioner's Unopposed Motion for Entry of Judgment with Remand. (Dkt. 20)

5. The Clerk of the Court be directed to enter judgment in Plaintiff's favor, terminate all other pending motions, and **CLOSE THIS CASE**.

DONE and ORDERED in Tampa, Florida, this 25th day of July 2024.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person