

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

DWAYNE WALLING,

Plaintiff,

versus

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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CIVIL ACTION NO. 1:11-CV-259

**MEMORANDUM OPINION ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable law and orders of this Court. The Court has received and considered the Report of the United States Magistrate Judge pursuant to such order, along with the record and pleadings. No objections to the Report of the United States Magistrate Judge were filed by the parties.

Accordingly, the findings of fact and conclusions of law of the United States Magistrate Judge are correct, and the Report of the United States Magistrate Judge is **ADOPTED**. A Final Judgment will be entered separately, remanding this case under the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of Social Security Administration for further administrative proceedings before an Administrative Law Judge (ALJ).

SIGNED at Sherman, Texas, this 16th day of October, 2012.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE