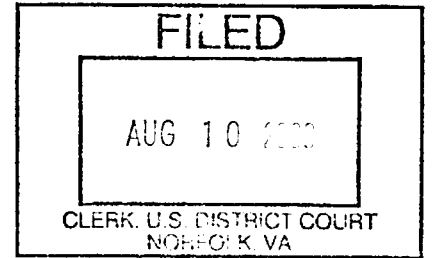


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division



ANTHONY DELOATCH,

Plaintiff,

v.

Civil Action No.: 4:08cv94

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

OPINION AND ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g) and 42 U.S.C. § 1383(c)(3) seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying his claim for Supplemental Security Income under the Social Security Act. Pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated January 26, 2009, this matter was referred to a United States Magistrate Judge for a Report and Recommendation. Doc. 6.

The Report and Recommendation of the Magistrate Judge (“R&R”), filed on July 1, 2009, finds that the Administrative Law Judge’s (“ALJ”) determination that Plaintiff is not disabled is based upon substantial evidence. Doc. 13. Accordingly, the Magistrate Judge recommends the following: 1) that the final decision of the Commissioner be upheld; 2) that Defendant’s Motion for Summary Judgment be granted; and 4) that Plaintiff’s Motion for Summary Judgment be denied. Id. at 20.

By copy of the R&R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within ten (10) days from the date the

