

**THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

FREDRICK M. MERRILL,)
)
Plaintiff,)
v.)
)
MICHAEL J. ASTRUE,)
COMMISSIONER OF SOCIAL SECURITY,)
)
Defendant.)

CASE NO. 1:07cv1037-MEF

ORDER

On September 10, 2008, the Magistrate Judge filed a Report and Recommendation (Doc. #18) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation of the Magistrate Judge is ADOPTED, and
2. The decision of the Commissioner is affirmed.

DONE this the 30th day of September, 2008.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE