

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

CHARLES E. FOSTER,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION 08-0367-KD-M
	:	
MICHAEL J. ASTRUE,	:	
Commissioner of	:	
Social Security,	:	
	:	
Defendant.	:	

ORDER

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that the decision of the Commissioner be **AFFIRMED** and that this action be **DISMISSED**.

DONE this the 19th day of February, 2009.

/s/ Kristi K. Dubose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE