

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

KENNETH W. YATES,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 09-00212-CG-N
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security)	
)	
Defendant.)	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the recommendation of the Magistrate Judge made under 28 U.S.C. § 626(b)(1)(B) and dated December 10, 2009 is **ADOPTED** as the opinion of this Court and the decision of the Commissioner of Social Security denying plaintiff's benefits is **REVERSED** and **REMANDED**.

DONE and ORDERED this 30th day of December, 2009.

/s/ Callie V. S. Granade
 CHIEF UNITED STATES DISTRICT JUDGE