

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

JEFFREY WHITE, :

Plaintiff, :

vs. :

MICHAEL J. ASTRUE, : CIVIL ACTION 11-0028-KD-M
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 Defendant's Motion to Dismiss be **DENIED** (Doc. 11) and that this action be allowed to proceed to an adjudication of the merits.

DONE this 11th day of July, 2011.

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