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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

<b>James Arnold Kennedy,</b>	)	<b>CV-07-545-TUC-DCB</b>
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	<b>ORDER</b>
<b>Michael J. Astrue, Commissioner of Social Security,</b>	)	
<b>Defendants.</b>	)	

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Magistrate Judge Edmonds issued her Report and Recommendation on September 17, 2008, recommending that the District Court grant the Plaintiff’s Motion for Summary Judgment, deny the Defendants’ cross-motion for summary judgment, and remand the action to the SSA for payment of benefits. A copy was sent to all parties on September 17, 2008, notifying all parties that written objections must be filed within ten days of service. 28 U.S.C. §636(b). No objections to the Magistrate Judge’s Report and Recommendation have been filed. Consequently, any objections that have not been raised are waived and will not be addressed by the Court.

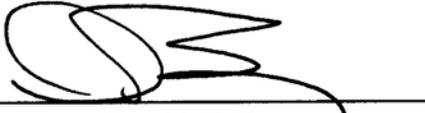
The Court, having made an independent review of the record, orders as follows:

IT IS ORDERED that Magistrate Judge Edmond’s Report and Recommendation (Doc. No. 25) is ACCEPTED and ADOPTED by this Court as the findings of fact and conclusions of law.

IT IS ORDERED that Plaintiff’s Motion for Summary Judgment (Doc. No. 15) is GRANTED, Defendants’ Motion for Summary Judgment (Doc. No. 19) is DENIED, and this

1 action is remanded to the SSA for payment of benefits. A Final Judgment shall enter  
2 separately.

3 DATED this 7<sup>th</sup> day of October, 2008.

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8 David C. Bury  
9 United States District Judge  
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