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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

EMERY SUNDAY, Plaintiff, vs. MICHAEL J. ASTRUE, Commissioner of Social Security, Defendant.	No. CV 08-075-TUC-CKJ (JJM) **ORDER**

On February 9, 2009, Magistrate Jacqueline J. Marshall issued a Report and Recommendation [Doc. #11] in which she recommended that Defendant's Motion to Dismiss [Doc. #10] be granted. No objections have been filed within the time provided by 28 U.S.C. § 636(b)(1).

Accordingly, after an independent review, IT IS ORDERED:

1. The Report and Recommendation [Doc. #11] is ADOPTED;
2. Defendant's Motion to Dismiss [Doc. #10] is GRANTED; and
3. The Clerk of the Court shall enter judgment in this matter, and close its file.

DATED this 31st day of March, 2009.

Cindy K. Jorgenson
United States District Judge

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