

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

CALVIN L. CUNNINGHAM

PLAINTIFF

vs.

Civil No. 5:09-cv-05065

MICHAEL J. ASTRUE

DEFENDANT

Commissioner, Social Security Administration

**JUDGMENT**

Before the Court is the Report and Recommendation filed April 20, 2009 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 5), to which no objections have been filed, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). The Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the Magistrate Judges' Report and Recommendation is adopted in toto.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, this case is hereby **DISMISSED**.

**IT IS SO ORDERED**, this 8<sup>th</sup> day of May, 2009.

/s/Jimm Larry Hendren  
HON. JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE