

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

DARRELL W. CAVANAGH

PLAINTIFF

v.

CIVIL NO. 09-5141

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

ORDER

Now on this 23rd day of September 2010, comes on for consideration the Magistrate Judge's Report and Recommendation (document #17) dated August 26, 2010. Fourteen (14) days have passed without objections being filed by Plaintiff. 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 Judge's Report and Recommendation (document #17) is hereby **adopted in toto**;

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, **Plaintiff's Motion for Remand on the Basis of New and Material Evidence** (document #14) is hereby **denied**; and

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, the decision of the Administrative Law Judge denying Plaintiff benefits is hereby **affirmed**. Accordingly, Plaintiff's Complaint is hereby **dismissed with prejudice**.

IT IS SO ORDERED.

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