

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WAYNE ELVIN,

:

Plaintiff,

:

v.

:

Civil Action No. 07-620-GMS-MPT

:

MICHAEL ASTRUE,

:

Defendant.

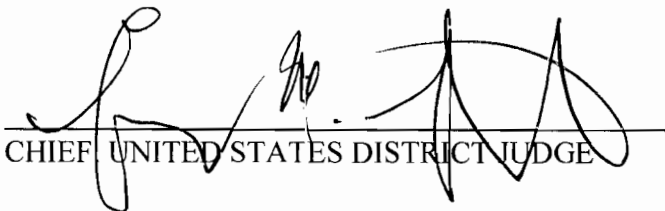
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ORDER ADOPTING MAGISTRATE JUDGE'S
RECOMMENDATION ABSENT TIMELY OBJECTION

This Order is issued upon consideration of the Report and Recommendation of United States Magistrate Judge Mary Pat Thyng issued on August 14, 2009, and upon the expiration of the time allowed for objections pursuant to Rule 72 of the Federal Rules of Civil Procedure with no objection having been received.

Accordingly, this 1st day of September 2009, by the United States District Court for the District of Delaware, it is ORDERED that:

1. Magistrate Judge Thyng's Report and Recommendation (D.I. 20) is ADOPTED;
2. Defendant's Cross-Motion for Summary Judgment (D.I. 14) is DENIED;
3. Plaintiff's Motion for Summary Judgment (D.I. 12) is GRANTED and this case is REMANDED for further administrative proceedings.



CHIEF UNITED STATES DISTRICT JUDGE