

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

MICHAEL A. NYE,

Plaintiff,

v.

CASE NO.: 8:10-cv-757-T-23DNF

MICHAEL J. ASTRUE, Commissioner  
of Social Security,

Defendant.

\_\_\_\_\_ /

**ORDER**

The plaintiff objects (Doc. 24) to the August 13, 2012, report and recommendation (Doc. 23) by Magistrate Judge Douglas N. Frazier. *A de novo* review of the portions of the report and recommendation to which the plaintiff objects reveals that the objections are unfounded or unpersuasive. Substantial evidence supports the Administrative Law Judge's decision.

Accordingly, the plaintiff's objections (Doc. 24) are **OVERRULED**, and the magistrate judge's report and recommendation (Doc. 23) is **ADOPTED**. Under sentence four of 42 U.S.C. § 405(g), the Commissioner's decision is **AFFIRMED**.

The clerk is directed to (1) enter judgment in favor of the Commissioner and against the plaintiff, (2) terminate any pending motion, and (3) close the case.

ORDERED in Tampa, Florida, on October 1, 2012.



---

STEVEN D. MERRYDAY  
UNITED STATES DISTRICT JUDGE