

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

RODERICK W GILBRIDE,

Plaintiff,

v.

CASE NO. 1:08-cv-00048-MP-AK

MICHAEL J ASTRUE,

Defendant.

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**ORDER**

This matter is before the Court on Doc. 20, Report and Recommendation of the Magistrate Judge, recommending that the decision of the Commissioner, denying benefits, be affirmed. The time for filing objections has passed, and none have been filed. The Court agrees that Plaintiff's spine issues do not meet the listing at 1.04(A) and that the ALJ did not err in using the vocational grids rather than a vocational expert to determine that there are jobs which claimant can do despite his inability to perform his past relevant work. Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. The decision of the Commissioner, denying benefits, is affirmed.

**DONE AND ORDERED** this 23rd day of September, 2009

*s/Maurice M. Paul*

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Maurice M. Paul, Senior District Judge