

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

DEWAYNE C. SIMMONS,  
Plaintiff,

vs.

Case No.: 3:11cv345/RV/EMT

MICHAEL J. ASTRUE,  
Commissioner of the Social Security Administration,  
Defendant.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated June 4, 2012 (doc. 9). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of all timely filed objections.

Having considered the Report and Recommendation, and the timely filed objection thereto (doc. 10), I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. The decision of the Commissioner is **AFFIRMED**, this action is **DISMISSED**, and the clerk is directed to close the file

**DONE AND ORDERED** this 19th day of June, 2012.

*/s/ Roger Vinson*

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**ROGER VINSON**  
**SENIOR UNITED STATES DISTRICT JUDGE**