

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION
Case No. 09-14290-CIV-GRAHAM/LYNCH

JAMES E. RUMPH,
Plaintiff,

vs.

MICHAEL J. ASTRUE,
Defendants.

ORDER

THIS CAUSE comes before the Court upon Plaintiff's Motion for Default [D.E. 9].

THE COURT has reviewed the motion, the pertinent portions of the record and is otherwise fully advised in the premises.

THE MATTER was referred to the Honorable United States Magistrate Judge Frank J. Lynch by clerk's order [D.E. 2]. The Magistrate Judge issued a Report recommending that Plaintiff's Motion for Default [D.E. 12] be denied. Plaintiff has filed objections to the report [D.E. 13].

THE COURT has conducted an independent review of the record and is otherwise fully advised in the premises. Based thereon, it is hereby

ORDERED AND ADJUDGED that the Magistrate Judge's Report and Recommendation [D.E. 12] is **AFFIRMED, ADOPTED AND RATIFIED** in its entirety. It is further

ORDERED AND ADJUDGED that Plaintiffs' Motion for Default [D.E. 9] is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 17th day of January, 2010.



DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

cc: U.S. Magistrate Judge Lynch
Counsel of Record