

E-FILEDThursday, 15 July, 2010 02:15:15 PM
Clerk, U.S. District Court, ILCD**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
Urbana Division**

EMERY W. JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 08-2300
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

ORDER

In June 2007, Administrative Law Judge (“hereinafter ALJ”) Joseph Warzycki denied Plaintiff Emery Johnson’s application for social security disability insurance benefits. ALJ Warzycki based his decision on his finding that Plaintiff was engaged in substantial gainful activity (hereinafter “SGA”). He also found that Plaintiff was capable of performing his past relevant work.

In September 2007, Plaintiff filed a Complaint for Judicial Review (#1) against Defendant Michael J. Astrue, the Commissioner of Social Security, seeking judicial review of the ALJ’s decision to deny social security benefits. In May 2009, Plaintiff filed a Motion for Summary Judgment or Remand (#7). In August 2009, Defendant filed a Motion for an Order Which Affirms the Commissioner’s Decision (#10).

After reviewing the administrative record and the parties’ memoranda, this Court denied Plaintiff’s Motion for Summary Judgment or Remand (#7). Consistent with the Court’s reasoning in the Order denying Plaintiff’s motion, the Court now **GRANTS** Defendant’s Motion for an Order Which Affirms the Commissioner’s Decision (**#10**). This case is terminated.

ENTER this 15th day of July, 2010.

s/ DAVID G. BERNTHAL
U.S. MAGISTRATE JUDGE