

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DALE G. LOEPKER,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

No. 07-0830-DRH

ORDER

HERNDON, Chief Judge:

On November 28, 2007, Dale Loepker, by and through his attorney Lance Mallon, filed suit against the Commissioner of Social Security, for judicial review of an administrative agency's decision pursuant to 42 U.S.C. § 405(g) (Doc. 1). Specifically, Loepker seeks judicial review of the Commissioner's decision to deny him Disability Insurance Benefits pursuant to 42 U.S.C. § 423 or a Period of Disability pursuant to 42 U.S.C. § 416(I).

On January 22, 2009, pursuant to **28 U.S.C. § 636(b)(1)(B)**, Magistrate Judge Clifford J. Proud submitted a Report and Recommendation ("the Report") (Doc. 17). The Report recommends that the Court affirm the Commissioner's decision to deny Loepker's application for Disability Insurance Benefits or a Period of Disability (Doc. 17). The Report was sent to the parties with a notice informing them of their right to appeal by way of filing "objections" within ten days of service

of the Report.¹ To date, none of the parties has filed objections. The period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need not conduct *de novo* review. **Thomas v. Arn, 474 U.S. 140, 149-52 (1985)**.

Accordingly, the Court **ADOPTS** the Report in its entirety (Doc. 17). The Court **AFFIRMS** the Commissioner's decision denying Loepker's application for Disability Insurance Benefits or a Period of Disability in all respects, as the decision is supported by substantial evidence. The Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same.

IT IS SO ORDERED.

Signed this 12th day of February, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**

¹The Notice of Response Deadline states: "In accordance with 28 U.S.C. § 636(b) and the Federal Rules of Civil Procedure 6(e), the parties shall file any objections to this report and recommendation on or before **February 9, 2009**. No further extensions will be granted." (Doc. 17, p. 19).