

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

MICHAEL HILL,

Plaintiff,

v.

**MICHAEL ASTRUE,
Commissioner of Social Security,**

Defendant.

Case No. 09-0169-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

On March 5, 2009, Michael Hill filed this action against the Commissioner of Social Security (Doc. 2). Specifically, Plaintiff seeks judicial review of the findings and determinations of the Commissioner finding Plaintiff is not disabled and thus not entitled to receive Disability Insurance Benefits and Supplemental Security Income, pursuant to **42 U.S.C. § 405**. On February 10, 2010, pursuant to **28 U.S.C. § 636(b)(1)(B)**, United States Magistrate Judge Donald G. Wilkerson submitted a Report and Recommendation (“the Report”) recommending that the Court grant Plaintiff’s request to reverse the Commissioner’s final decision and further recommends that the Court remand the matter to the agency for the award of benefits (Doc. 20).

The Report was sent to the parties with a notice informing them of their right to appeal by way of filing “objections” by March 1, 2010. To date, none of the

parties have filed objections, and 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)**.

Thus, the Court **ADOPTS** the Report in its entirety (Doc. 20). The Court **REVERSES** the decision of the Commissioner finding Plaintiff is not disabled and therefore not entitled to receive Disability Insurance Benefits and Supplemental Security Income. The Court **REMANDS** this matter to the agency for an award of benefits.

IT IS SO ORDERED.

Signed this 2nd day of March, 2010.

/s/ David R. Herndon

**Chief Judge
United States District Court**