

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION at PIKEVILLE

CIVIL ACTION NO. 09-18-GWU

TUNIS SMITH,

PLAINTIFF,

VS.

**ORDER**

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,

DEFENDANT.

\* \* \* \* \*

In accordance with the Memorandum Opinion simultaneously entered in the  
above-styled action,

IT IS HEREBY ORDERED that:

- (1) the Defendant's motion for summary judgment is GRANTED;
- (2) the Plaintiff's motion for summary judgment is DENIED; and
- (3) the administrative decision will accordingly be AFFIRMED by separate

Judgment entered this same date.

This the 19th day of November, 2009.



**Signed By:**

G. Wix Unthank *GWU*

**United States Senior Judge**