

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

STEVEN L. RUTHERFORD

CIVIL ACTION

VERSUS

NO: 11-2307-LMA-SS

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

ORDER

The Court, after considering the complaint, the record, the applicable law, the Magistrate Judge's Report and Recommendation, and the objection by plaintiff, Steven L. Rutherford, which is hereby **OVERRULED**, approves the Magistrate Judge's Report and Recommendation and adopts it as its opinion. Accordingly,

IT IS ORDERED that the motion of Michael J. Astrue, Commissioner of Social Security Administration, to dismiss (rec. doc. 10) is granted; (2) the motion of the plaintiff, Steven L. Rutherford ("Rutherford") for sanctions (Rec. doc. 15) is denied; and (3) Rutherford's motion for summary judgment (Rec. doc. 14) is dismissed as moot.

New Orleans, Louisiana, this 28th day of February, 2012.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE