UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA

NO. 12-3032
SECTION "S" (3)

ORDER

The Court, having considered the petition, the record, the applicable law, the Magistrate Judge's Report and Recommendation, and the lack of any objections thereto, hereby approves the Magistrate Judge's Findings and Recommendation and adopts it as its opinion. Accordingly,

IT IS ORDERED that the Commissioner's Motion for Summary Judgment is GRANTED,

the Plaintiff's Motion for Summary Judgment is DENIED and that the plaintiff's complaint be and

is hereby DISMISSED WITHOUT PREJUDICE.

New Orleans, Louisiana, this <u>9th</u> day <u>October</u>, 2013.

Margum Viel Lemme UNITED STATES DISTRICT JUDGE