

FILED  
U.S. DIST. COURT  
MIDDLE DIST. OF LA  
2009 SEP -8 P 2: 12

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JESSIE RILEY

VERSUS

MICHAEL J. ASTRUE,  
COMMISSIONER OF  
SOCIAL SECURITY

SIGN \_\_\_\_\_  
BY DEPUTY CLERK

CIVIL ACTION

NO. 07-115-JVP-DLD

### RULINGS

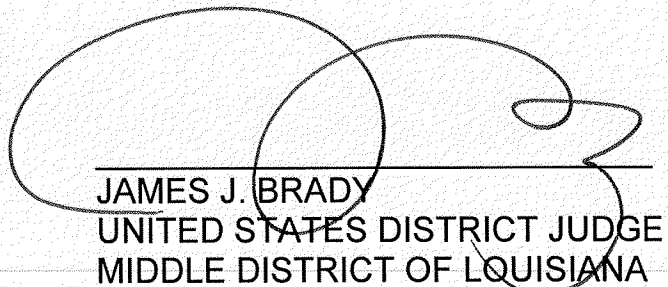
On September 2, 2009, plaintiff's counsel moved for an extension of time to file an objection to the August 19, 2009, Report and Recommendation of Magistrate Judge Docia L. Dalby (doc. 20). Attached to the Report and Recommendation of August 19, 2009, however, was a notice informing counsel that, in accordance with 28 U.S.C. §636(b)(1), the parties had ten days from date of receipt of the notice to file written objections to the proposed findings of fact and conclusions of law set forth in the Magistrate Judge's Report (doc. 19, p. 12). Counsel was also notified that a failure to object would constitute a waiver of the right to attack the factual findings on appeal, and the notice specifically provided that "**ABSOLUTELY NO EXTENSION OF TIME SHALL BE GRANTED TO FILE WRITTEN OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT.**" (*Id.*, emphasis in original). Accordingly, plaintiff's motion for an extension of time to object to the Report and Recommendation shall be denied.

The court, having carefully considered the complaint, the record, the law applicable to this action and the Report and Recommendation of United States Magistrate Judge Christine Noland dated August 19, 2009, to which no objection has been filed, hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion.

Accordingly, the motion by plaintiff, Jessie Riley, Jr., for an extension of time to object to the August 19, 2009 Report of Magistrate Judge Docia L. Dalby, is hereby **DENIED**. The decision of the Commissioner amending the disability onset date from January 1, 1978, to May 1, 2000, is hereby **AFFIRMED** and plaintiff's complaint (doc. 1) shall be **DISMISSED WITH PREJUDICE**.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, September 8<sup>th</sup>, 2009



JAMES J. BRADY  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA