

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>GEORGE R. DAY,</b>	)	
	)	
<b>PLAINTIFF</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL No. 1:12-cv-141-DBH</b>
	)	
<b>MICHAEL J. ASTRUE,</b>	)	
<b>COMMISSIONER OF SOCIAL SECURITY,</b>	)	
	)	
<b>DEFENDANT</b>	)	

**ORDER AFFIRMING RECOMMENDED DECISION  
OF THE MAGISTRATE JUDGE**

On December 30, 2012, the United States Magistrate Judge filed with the court, with copies to counsel, his Report and Recommended Decision. The time within which to file objections expired on January 16, 2013, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The decision of the Commissioner is **VACATED** and the case is **REMANDED** for proceedings not inconsistent with the Recommended Decision.

**SO ORDERED.**

**DATED THIS 18<sup>TH</sup> DAY OF JANUARY, 2013**

/s/ D. BROCK HORNBY  
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**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**