

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

WAYNE H. WAHLER,

Civil No. 08-4953 (JRT/JSM)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

---

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron, dated July 31, 2009, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Dismiss [Docket No. 17] is **GRANTED**.
2. Plaintiff's Complaint [Docket No. 1] is **DISMISSED WITH PREJUDICE**.

Dated: August 24, 2009  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge