

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

RITA KESTNER

PLAINTIFF

V.

CASE NO. 1:07CV226

COMMISSIONER OF SOCIAL SECURITY

DEFENDANTS

ORDER APPROVING AND ADOPTING REPORT AND RECOMMENDATION

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated September 3, 2008, was on that date duly served upon the plaintiff; that the parties were given 10 days to file any objections to the Report and Recommendation; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been served or filed by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted. Therefore, it is

ORDERED:

1) The Report and Recommendation [16] of the United States Magistrate Judge dated September 3, 2008, is hereby approved and adopted. The decision of the Administrative Law Judge is **AFFIRMED**.

This the 18th day of September, 2008

/s/ MICHAEL P. MILLS

CHIEF JUDGE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**