

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

**EARLEAN M. FISHER**

**PLAINTIFF**

**V.**

**NO. 3:09CV122-MPM-DAS**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Upon consideration of the file and record of this case, the court finds that the Report and Recommendation of the United States Magistrate Judge dated April 6, 2010, was on that date duly filed and the parties notified; that more than fourteen days have elapsed since notice of said Report and Recommendation; and that no objection thereto has been filed or served by any party. The court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the court.

It is, therefore, **ORDERED:**

1. That the Report and Recommendation of the United States Magistrate Judge dated April 6, 2010, be, and it is hereby, approved and adopted as the opinion of the court, and that the proposed findings of fact and conclusions of law therein set out be, and are hereby, adopted as the findings of fact and conclusions of law of the court.
2. That the Commissioner's motion to dismiss (# 5) is hereby GRANTED, and this case is dismissed with prejudice.

This, the 25<sup>th</sup> day of May, 2010.

**/s/ MICHAEL P. MILLS**  
**CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF MISSISSIPPI**