

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DARIESA MICHELLE FOSTER

PLAINTIFF

v.

CAUSE NO. 1:11CV383-LG-JMR

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

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause comes before the Court on the Report and Recommendation of United States Magistrate Judge John M. Roper. Judge Roper recommends remanding this action for further consideration by the Administrative Law Judge (“ALJ”) to consider whether Plaintiff is *Per Se* disabled pursuant to Listing 11.09(C) under 20 C.F.R. § 404.1520, as well as whether proper weight was given to the diagnoses and opinions of Plaintiff’s “treating sources.” After review of this matter, no objections having been filed as to the Proposed Findings of Fact and Recommendations, and the Court, being duly advised in the premises, finds that said Proposed Findings of Fact and Recommendations should be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [15]¹ of United States Magistrate Judge John M. Roper entered in this cause on July 2, 2012, should be, and the same hereby is, **ADOPTED** as the finding of this Court.

¹Order of Remand [15] is to be considered as a Report and Recommendation [25].

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's Motion for Judgment on the Pleadings [10] is **AFFIRMED**.

SO ORDERED AND ADJUDGED this the 4th day of January, 2013.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE