

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MARLON J. WHATLEY, JR.,

Plaintiff,

vs.

5:2011-CV-1009

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

Defendant.

APPEARANCES:

Olinsky Law Group
300 S. State Street
5th Floor, Suite 520
Syracuse, NY 13202
Counsel for Plaintiff

OF COUNSEL:

Howard D. Olinsky, Esq.

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on the 14th day of October 2011. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

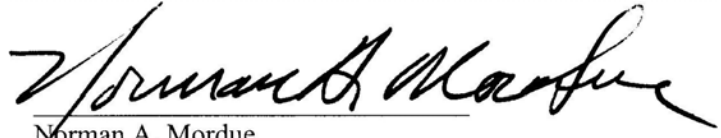
ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The plaintiff's complaint is dismissed.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: October 31, 2011
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge

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