

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

JUDGMENT IN A CIVIL CASE

MARLON J. WHATLEY, JR.

Plaintiff

VS.

**CASE NUMBER: 5:11-CV-1009
(NAM/ATB)**

**MICHAEL J. ASTRUE,
Commissioner of Social Security**

Defendant

Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Report-Recommendation issued by Magistrate Judge Andrew T. Baxter on October 14th, 2011 is adopted in its entirety. The Plaintiff's complaint is **DISMISSED** and judgment is hereby entered in favor of the Commissioner.

All of the above pursuant to the Order of the Honorable Chief District Judge Norman A. Mordue, dated the 31st day of October, 2011.

DATED: October 31, 2011


Clerk of Court

s/ Melissa Ennis

Melissa Ennis
Deputy Clerk