

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:09cv181**

**APRIL HALL STACEY,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **MICHAEL ASTRUE,** )  
 **Commissioner of Social Security** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the parties' cross Motions for Summary Judgment [Docs. 21 and 26], and the Magistrate Judge's Memorandum and Recommendation [Doc. 29] regarding the disposition of those motions.

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the district court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider these pending motions in the above-captioned action and to submit to this Court a recommendation for the disposition of these motions.

On January 28, 2011, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 29] in this case containing proposed conclusions of law in support of a recommendation regarding the motions [Docs. 21 and

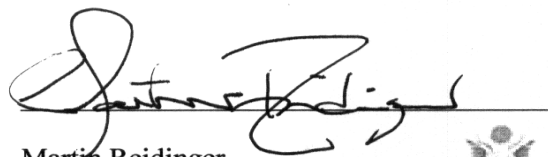

26]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. Plaintiff made a timely motion for a seven day extension, which was granted. [Doc. 30, text order]. The extended period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.<sup>1</sup>

After a careful review of the Magistrate Judge's Recommendation [Doc. 29], the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby **ACCEPTS** the Magistrate Judge's Recommendation that the Defendant's Motion for Summary Judgment be allowed and that the Plaintiff's Motions for Summary Judgment and to Receive New and Material Evidence be denied.

**IT IS, THEREFORE, ORDERED** that the Defendant's Motion for Summary Judgment [Doc. 21] is **ALLOWED**, and that the Plaintiff's Motion for Summary Judgment [Doc. 26] is hereby **DENIED**.

**IT IS SO ORDERED.**

Signed: March 5, 2011

  
Martin Reidinger  
United States District Judge 

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<sup>1</sup>Plaintiff has similarly failed to comply with the deadlines set by the Court throughout this case. [Docs. 5, 8, 17, 19, 23, 24].