

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
 CHARLOTTE DIVISION
 3:08CV84

KORY S. MEDINA,)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL J. ASTRUE,)
 Commissioner of Social Security)
 Administration,)
)
 Defendant.)
 _____)

ORDER

This matter is before the Court upon the memorandum and recommendation of United States Magistrate Carl Horn, III, filed September 22, 2008. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 10 days after service of the memorandum. The Plaintiff timely filed an objection.

After an independent and thorough review of the magistrate's memorandum, Plaintiff's objections thereto, and a de novo review of the record, the Court concludes that the recommendation to deny Plaintiff's Motion for Summary Judgment and grant the Commissioner's Motion for Summary Judgment is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, Plaintiff's Motion for Summary Judgment is DENIED, and the Commissioner's Motion for Summary Judgment is GRANTED.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the

magistrate is hereby AFFIRMED.

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge



Signed: November 3, 2008