

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Dana E. Baker,)	
Plaintiff,)	
)	
-vs-)	Case No. 3:07-cv-94
)	
Michael J. Astrue, Social Security Administration Commissioner,)	ORDER ADOPTING REPORT AND RECOMMENDATION
)	
Defendant.)	
)	

Plaintiff, Dana E. Baker, sought judicial review of the final decision of the Commissioner of Social Security denying his application for disability insurance benefits. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Defendant's Motion for Summary Judgment be granted and Plaintiff's Motion for Summary Judgment be denied (Doc. #11). No party has filed an objection to the recommendation within the requisite time period. Local Rule 72.1(E)(4).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Defendant's Motion for Summary Judgment is **GRANTED** (doc. #7) and Plaintiff's Motion for Summary Judgment is **DENIED** (doc. #6).

IT IS SO ORDERED. LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 4th day of March, 2009.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court