

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BRIAN F. DRAKE,

Plaintiff,

vs.

Civil Action 2:07-CV-1084  
Judge Marbley  
Magistrate Judge King

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On February 4, 2009, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the decision of the Commissioner be reversed and that this action be remanded to the Commissioner of Social Security for further proceedings. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The decision of the Commissioner is **REVERSED** and this action is hereby **REMANDED** to the Commissioner of Social Security for further proceedings.

The Clerk shall enter **FINAL JUDGMENT** pursuant to Sentence 4 of 42 U.S.C. §405(g).

s/Algenon L. Marbley  
Algenon L. Marbley  
United States District Judge