

**FILED**

APR 07 2010

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY TWK DEPUTY

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

LILLIE MAE CHEATHAM, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MICHAEL J. ASTRUE, )  
 Commissioner of the Social Security )  
 Administration, )  
 )  
 Defendant. )

No. CIV-09-402-W

**ORDER**

On March 15, 2010, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this case and recommended that the decision of defendant Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Supplemental Security Income filed by plaintiff Lillie Mae Cheatham be affirmed. Cheatham was advised of her right to file written objections to the Report and Recommendation, but she did not file any objections within the time allotted.

Upon review of the record, the Court finds no error has occurred warranting the requested relief and concurs with Magistrate Judge Argo's suggested disposition of this matter. The Commissioner based his decision on substantial evidence, and because the Commissioner's finding regarding Cheatham's residual functional capacity sufficiently supports the Commissioner's finding at step three of the five-step sequential evaluation process required by 20 C.F.R. § 416.920, the Court finds that remand is not warranted under the circumstances of this case. E.g., Fischer-Ross v. Barnhart, 431 F.3d 729 (10<sup>th</sup> Cir. 2005).

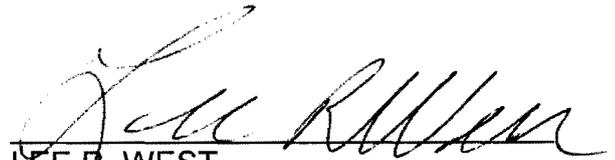
Accordingly, the Court

(1) ADOPTS the Report and Recommendation issued on March 15, 2010;

(2) AFFIRMS the Commissioner's decision to deny Cheatham's Application for Supplemental Security Income; and

(3) ORDERS that judgment in favor of the Commissioner issue forthwith.

ENTERED this 7<sup>th</sup> day of April, 2010.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE