

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHERYL WALWORTH,

Plaintiff,

v.

MICHAEL ASTRUE,
Commissioner of Social Security,

Defendant.

Civil Action No. 08-102 Erie

MEMORANDUM JUDGMENT ORDER

_____ Plaintiff's complaint was received by the Clerk of Court on April 11, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on June 11, 2009 [12], recommends that the Plaintiff's Motion for Summary Judgment [8] be denied, that the Motion for Summary Judgment filed by Defendant [10] be granted, and that the decision of the Defendant, Michael Astrue, Commissioner of Social Security, denying Plaintiff's application for Supplemental Social Security Disability Insurance Benefits be affirmed. The parties were allowed ten (10) days from the date of service to file objections. The parties, through their respective counsel, were served electronically on June 11, 2009. Plaintiff's objections [13] were filed on June 29, 2009.¹ No response has been filed by the Defendant. After de novo review of the complaint and documents in the case, together with the report and recommendation and the Plaintiff's objections thereto, the following order is entered:

¹ Plaintiff filed an errata to her objections [14] on July 28, 2009 consisting of a duplicate signature page and certificate of service both bearing the signature of her legal counsel.

AND NOW, this 29th day of July, 2009;

IT IS HEREBY ORDERED that: the Plaintiff's Motion for Summary Judgment [8] is DENIED, the Motion for Summary Judgment filed by Defendant [10] is GRANTED, and the decision of the Defendant, Michael Astrue, Commissioner of Social Security, denying Plaintiff's application for Supplemental Social Disability Insurance Benefits is AFFIRMED.

The report and recommendation of Magistrate Judge Baxter, dated June 11, 2009 [12], is adopted as the opinion of this Court.

JUDGMENT is hereby entered in favor Defendant, Michael Astrue, Commissioner of Social Security, and against Plaintiff, Cheryl Walworth.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
U.S. Magistrate Judge Baxter