

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

GARY A. ALLAIN,)
v.)
Plaintiff,)) No. 1:08-CV-214
MICHAEL J. ASTRUE,))
Commissioner of Social Security,))
Defendant.))

JUDGMENT ORDER

On July 27, 2009, United States Magistrate Judge William B. Mitchell Carter filed a report and recommendation (“R&R”) in this case, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) (Court File No. 19). Neither party has objected to the R&R within the given ten days.

After reviewing the record, this Court agrees with the R&R. The Court hereby **ACCEPTS** and **ADOPTS** the magistrate judge’s findings of fact, conclusions of law, and recommendations (Court File No. 19).

Accordingly, the Court **ORDERS**:

- (1) The defendant’s motion for summary judgment (Court File No. 16) is **GRANTED**;
- (2) The plaintiff’s motion for judgment on the pleadings (Court File No. 11) is **DENIED**; and
- (3) The Commissioner’s decision, denying the plaintiff a period of disability and disability insurance benefits under the Social Security Act, 42 U.S.C. §§ 416(I) and 423 is **AFFIRMED**.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE