

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JOEY D. MIDDLETON,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09-CV-158
)	(Phillips/Guyton)
MICHAEL J. ASTRUE, Commissioner of)	
Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

On March 9, 2010, the Honorable H. Bruce Guyton, United States Magistrate Judge, entered a Report and Recommendation (“R&R”) [Doc. 21] in which he recommended that Plaintiff’s Motion for Summary Judgment [Doc. 15] be denied and the Commissioner’s Motion for Summary Judgment [Doc. 19] be granted. This matter is now before the court on Plaintiff’s timely objections to the R&R [Doc. 22]. As required by 28 U.S.C. § 626(b)(1) and Rule 72(b)(2), the Court has reviewed *de novo* those portions of the R&R [Doc. 21] to which Plaintiff objects.

The Court finds itself in complete agreement with Judge Guyton’s thorough analysis of the legal issues regarding Plaintiff’s alleged disability and benefits therefor. Specifically, because the administrative law judge’s findings and conclusions were supported by substantial evidence, this Court will decline to reverse his ruling. Nor will this court remand for further administrative proceedings, as Plaintiff failed to meet his burden of (1) establishing the materiality of the evidence to the proceedings and (2) demonstrating good cause for his failure either to include the new evidence in the record or to inform the administrative law judge that further evidence would be

forthcoming.

The law in this circuit dictates that Plaintiff's specific objections are without merit and that the ruling of the administrative law judge be upheld. Because of Judge Guyton's clear articulation of the law and well-reasoned application thereof to the facts, an issuance of an opinion by this Court would be unnecessarily duplicative. Plaintiff's objections [Doc. 22] therefore are **OVERRULED** and the R&R [Doc. 21] is **ACCEPTED IN WHOLE**, whereby Plaintiff's Motion for Summary Judgment [Doc. 15] is **DENIED** and the Commissioner's Motion for Summary Judgment [Doc. 19] is **GRANTED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge