

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

<p>PAUL T. SHEPHERD,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p>v.</p> <p>MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY,</p> <p style="padding-left: 40px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No. 3:09-CV-393 (Phillips/Guyton)</p>
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MEMORANDUM AND OPINION

This Social Security appeal is before the Court on the Report and Recommendation (“R&R”) filed by United States Magistrate Judge H. Bruce Guyton [Doc. 22]. There have been no timely objections to the R&R [Doc. 22], and enough time has passed since the filing of the R&R [Doc. 22] to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the Court is in complete agreement with the magistrate judge’s conclusion that the Commissioner’s Motion for Summary Judgment [Doc. 20] be **GRANTED**, and that Plaintiff’s Motion for Judgment on the Pleadings [Doc. 13] be **DENIED**. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 22] under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

It is **ORDERED**, for the reasons stated in the R&R [Doc. 22], which the Court adopts and incorporates into its ruling, that the Commissioner’s Motion for Summary Judgment [Doc. 20] is

GRANTED, and that Plaintiff's Motion for Judgment on the Pleadings [Doc. 13] is **DENIED**.

Accordingly, this action is **DISMISSED**.

ENTER:

TWP

s/ Thomas W. Phillips

United States District Judge