

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

JAMES H. CABLE,)
)
 Plaintiff,)
)
 v.)
)
 MICHAEL J. ASTRUE,)
 COMMISSIONER OF SOCIAL SECURITY,)
)
 Defendant.)

**No. 3:09-CV-442
(Phillips/Guyton)**

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. 18]. There have been no timely objections to the R&R [Doc. 18], and enough time has passed since the filing of the R&R [Doc. 18] 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. 15] 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. 18] 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. 18], which the Court adopts and incorporates into its ruling, that the Commissioner’s Motion for Summary Judgment [Doc. 15] is **GRANTED**, and that Plaintiff’s Motion for Judgment on the Pleadings [Doc. 13] is **DENIED**.

Accordingly, this action is **DISMISSED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge