

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF TENNESSEE
 at WINCHESTER

JIMMY H. McCORMICK,

Plaintiff,

v.

MICHAEL J. ASTRUE,
 Commissioner of Social Security,

Defendant.

)
)
)
) Case No. 4:09-cv-2
) Judge Mattice
)
)
)
)
)

ORDER

United States Magistrate Judge William B. Mitchell Carter filed his report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). [Court Doc. 20.] Neither party filed objections within the given 14 days.

After reviewing the record, the Court agrees with Magistrate Judge Carter's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Accordingly, Plaintiff's Motion for Summary Judgment [Court Doc. 14] is **DENIED**. Defendant's Motion for Summary Judgment [Court Doc. 16] is **GRANTED**. Plaintiff shall continue to receive benefits from February 4, 2005, the date upon which he was found disabled, and the instant action is **DISMISSED WITH PREJUDICE**. The Clerk shall close the case.

SO ORDERED this 24th day of March, 2010.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE