

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JAN - 4 2010

TRENT D. GAINES,
Plaintiff

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DAVID J. MALAND, CLERK

V.

CASE NO. 4:09CV94

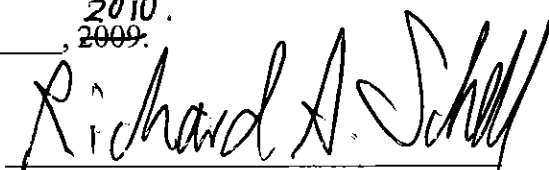
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,
Defendant

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 1, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Default (Dkt. 13) be denied and that, upon Plaintiff's request, the Clerk's Office prepare and re-issue summons in accordance with Federal Rule of Civil Procedure 4(i)(1).

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the court. It is, therefore, **ORDERED** that Plaintiff's Motion for Default (Dkt. 13) is DENIED. Upon Plaintiff's request, the Clerk's Office shall prepare and re-issue summons in accordance with Federal Rule of Civil Procedure 4(i)(1).

SIGNED this 4 day of January, ~~2009~~ ²⁰¹⁰.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE