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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**MATTHEW J. SUND,**

Plaintiff,

v.

**SOCIAL SECURITY  
ADMINISTRATION,**

Defendant.

**ORDER AFFIRMING  
REPORT & RECOMMENDATION**

**Case No. 2:10CV421DAK**

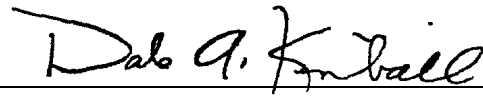
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This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge David Nuffer under 28 U.S.C. § 636(b)(1)(B). On September 6, 2007, Magistrate Judge Nuffer issued a Memorandum Decision and Report and Recommendation, which recommends that Plaintiff's case be dismissed for failure to state a claim upon which relief can be granted and that Plaintiff be given an opportunity to file an amended complaint within thirty (30) days from the date of this Order. The court has not received an objection to the Report and Recommendation, and the time for filing an objection has passed.

The court has reviewed the file *de novo*. The court approves and adopts the Magistrate Judge's Report and Recommendation in its entirety. Accordingly, Plaintiff's case is dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) with leave for Plaintiff to file an amended complaint within 30 days from date of this Order.

DATED this 1<sup>st</sup> day of October, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Dale A. Kimball". The signature is written in a cursive style with a large initial "D".

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DALE A. KIMBALL

United States District Judge