

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

DAVID HENAULT,
Plaintiff

v.

ROBERT HOFMANN, Commissioner
Defendant

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File No. 1:09-CV-21

ORDER

The Magistrate Judge's Report and Recommendation was filed June 18, 2009. (Paper 8.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The defendant's unopposed motion to dismiss (Paper 6) is GRANTED. This case is DISMISSED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 17th day of August, 2009.

/s/ J. Garvan Murtha

Honorable J. Garvan Murtha
Senior United States District Judge