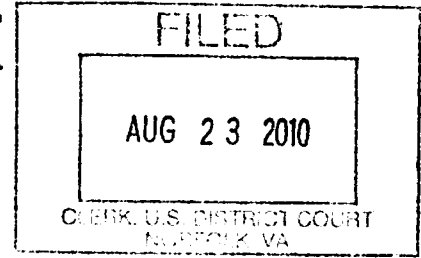


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



LARRY MOORE,

Plaintiff,

v.

ACTION NO. 2:09cv549

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

FINAL ORDER

Plaintiff brought this action under Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of the Social Security Administration ("Commissioner") denying plaintiff's claim for disability insurance benefits ("DIB"), under the Social Security Act.

On March 9, 2010, this matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72(b) of the Federal Rules of Civil Procedure for report and recommendation. Report of the magistrate judge was filed on July 27, 2010, recommending that the Commissioner's decision be reversed and the case be remanded to allow the administrative law judge to reevaluate whether Moore satisfies the criteria of Listing 12.05(C). By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. The court has

