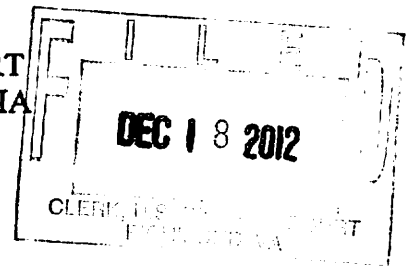


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division



MARY ANN SMELSER KOONCE,  
Plaintiff,

v.

Civil Action No. 3:12-cv-00256-JAG

MICHAEL ASTRUE,  
*Social Security Administration*,  
Defendant.

**ORDER**

THIS MATTER is before the Court on the Magistrate Judge's Report and Recommendation ("R&R"), entered July 17, 2012. (Dk. No. 15.) The plaintiff has filed timely objections. Having considered the matter, it is hereby ORDERED:

- 1) The Court hereby ADOPTS the R&R as the OPINION of the Court, with the following MODIFICATION: the plaintiff's husband's date of death is changed from 1995 to February 6, 1991. (Dk. No. 15 at 1.)
- 2) The plaintiff's remaining objections are OVERRULED for the reasons given in the accompanying Memorandum Opinion. Accordingly, her objections are SUSTAINED IN PART AND OVERRULED IN PART.
- 3) The Commissioner's motion to dismiss is GRANTED due to the plaintiff's failure to establish subject matter jurisdiction. (Dk. No. 11.)
- 4) The Commissioner's motion to transfer is DENIED AS MOOT. (Dk. No. 5.)
- 5) The Magistrate Judge's R&R on the motion to transfer is NOT ADOPTED since the motion to transfer is denied as moot. (Dk. No. 9.)

6) This case is CLOSED.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record and Ms. Koonce.

Date: December 17, 2012  
Richmond, VA

*/s/ JAG*  
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John A. Gibney, Jr.  
United States District Judge