

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

GREGORY BRIAN STEVENS,)	
Plaintiffs,)	Civil Action No. 1:09cv00029
)	
)	
v.)	<u>FINAL ORDER AND JUDGMENT</u>
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	BY: GLEN M. WILLIAMS
Defendant.)	SENIOR UNITED STATES DISTRICT JUDGE

This case is currently before the court on the parties' cross motions for summary judgment. (Docket Item Nos. 13 and 17.) The case was referred, pursuant to 28 U.S.C. § 636(b)(1)(B), to the Honorable Pamela Meade Sargent, United States Magistrate Judge. On November 4, 2009, the Magistrate Judge entered a report and recommendation, (Docket Item No. 19), ("the Report"), recommending that the court deny the plaintiff's motion for summary judgment, grant the Commissioner's motion for summary judgment and affirm the final decision of the Commissioner denying benefits. Objections to the Report were due by November 24, 2009; however, no objections were filed. As such, the Magistrate Judge's Report shall be **ACCEPTED**.

Accordingly, for the reasons set forth in the Magistrate Judge's Report, the plaintiff's motion for summary judgment is hereby **DENIED**, the Commissioner's motion for summary judgment is hereby **GRANTED** and the final decision of the Commissioner denying benefits is hereby **AFFIRMED**.

The Clerk is directed to enter this Order and send copies of this Order to all counsel of record. The Clerk is further directed that this case is to be stricken from the docket.

ENTER: This 25th day of November 2009.

/s/ *Glen M. Williams*
SENIOR UNITED STATES DISTRICT JUDGE