Gardner v. Astrue Doc. 18

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED
MAY 24 2010
JOHN F. CORCORAN, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

DANNY R. GARDNER,	)	
	)	
Plaintiff,	)	Case No. 2:09CV00029
	)	
v.	)	**JUDGMENT**
	)	
COMMISSIONER OF SOCIAL SECURITY,	)	By: James P. Jones Chief United States District Judge
	)	
Defendant.	)	

It appearing that no objections have been timely filed to the Report filed April 27, 2010, setting forth the findings and recommendations of the magistrate judge, it is **ADJUDGED AND ORDERED** as follows:

1. The Report and its findings and recommendations are wholly ACCEPTED and APPROVED;

2. The motions for summary judgment by the parties are DENIED;

3. The final decision of the Commissioner of Social Security is VACATED and this action is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and

4. The clerk will close this case.

ENTER: May 24, 2010

Chief United States District Judge

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