

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION

CLERK'S OFFICE U.S. DIST. CT.  
AT BIG STONE GAP, VA  
FILED  
FEB 28 2011  
JULIA C. DUDLEY, CLERK  
BY: *J. Clark*  
DEPUTY

ROBERT A. KESTNER, )  
)  
)  
Plaintiff, ) Case No. 2:10CV00016  
)  
) **FINAL JUDGMENT**  
v. )  
)  
COMMISSIONER OF SOCIAL SECURITY, ) By: James P. Jones  
) United States District Judge  
)  
Defendant. )

Based upon the court's de novo review of those portions of the magistrate judge's report and recommendations to which the plaintiff objected, it is **ADJUDGED AND ORDERED** as follows:

1. The plaintiff's objections are overruled;
2. The magistrate judge's report and recommendations are accepted;
3. The motion for summary judgment by the Commissioner of Social Security ("Commissioner") is granted;
4. The final decision of the Commissioner is **affirmed**; and
5. The clerk is directed to close the case.

ENTER: February 28, 2011  
*James P. Jones*  
United States District Judge