

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

EDWARD R. JOHNSON,

Plaintiff,

v.

Civil Action No. 2:08-cv-01137

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Mary E. Stanley, entered on February 18, 2010; and the magistrate judge having recommended that the court deny plaintiff's request for judgment on the pleadings; and the magistrate judge having further recommended that the court grant defendant's request for judgment on the pleadings, affirm the final decision of the Commissioner, and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein;

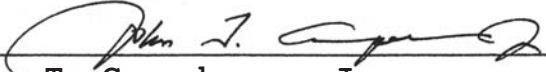
2. The plaintiff's request for judgment on the pleadings be, and it hereby is, denied;

3. The defendant's request for judgment on the pleadings be, and it hereby is, granted; and

4. The decision of the Commissioner be, and it hereby is, affirmed.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: March 16, 2010



John T. Copenhaver, Jr.
United States District Judge