

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**JOHNNIE F. MILLER, JR.,** )  
 )  
                          **PLAINTIFF** )  
 )  
**v.** )  
 )  
**MICHAEL J. ASTRUE,** )  
**COMMISSIONER OF SOCIAL SECURITY,** )  
 )  
                          **DEFENDANT** )

**CIVIL No. 10-43-P-H**

**ORDER AFFIRMING RECOMMENDED DECISION  
OF THE MAGISTRATE JUDGE**

On January 13, 2011, the United States Magistrate Judge filed with the court, with copies to counsel, his Report and Recommended Decision. The time within which to file objections expired on January 31, 2011, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The decision of the Commissioner is **VACATED** and the case is **REMANDED** for further proceedings consistent with the Recommended Decision.

**SO ORDERED.**

**DATED THIS 1ST DAY OF FEBRUARY, 2011**

/s/D. BROCK HORNBY  
\_\_\_\_\_  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET NO. 2:10cv43 (DBH)**

**Johnnie F. Miller, Jr.,**

**Plaintiff**

Represented By **Paul Aranson**  
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**v.**

**Michael J. Astrue, Commissioner,  
Social Security Administration,**

**Defendant**

Represented By **Jason W. Valencia**  
**Lucy A. Bezdek**  
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