

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>PAUL JOSEPH FOTHERGILL,</b>	)	
	)	
<b>PLAINTIFF</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL No. 2:11-cv-247-DBH</b>
	)	
<b>MICHAEL J. ASTRUE,</b>	)	
<b>COMMISSIONER OF SOCIAL SECURITY,</b>	)	
	)	
<b>DEFENDANT</b>	)	

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

On March 29, 2012, 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 April 16, 2012, 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 Commissioner's decision is **VACATED** and the case is **REMANDED** for proceedings consistent with the Recommended Decision.

**SO ORDERED.**

**DATED THIS 17<sup>TH</sup> DAY OF APRIL, 2012**

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

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET NO. 2:11cv247 (DBH)**

**Paul Joseph Fothergill,**

**Plaintiff**

Represented By **Daniel W. Emery**

P.O. Box 670

Yarmouth, ME 04096

(207) 846-0989

email: [danemery@maine.rr.com](mailto:danemery@maine.rr.com)

**v.**

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

**Defendant**

Represented By **Jason W. Valencia**

**Luis A. Pere**

Office of General Counsel, Region I

Social Security Administration

JFK Federal Building, Room 625

Boston, MA 02203-0002

(617) 565-2375

email: [jason.valencia@ssa.gov](mailto:jason.valencia@ssa.gov)

[luis.pere@ssa.gov](mailto:luis.pere@ssa.gov)