

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF KANSAS

JAMES BURKETT,

Plaintiff,

Vs.

No. 03-4078-SAC

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

MEMORANDUM AND ORDER

The court referred this administrative appeal to the United States Magistrate Judge for report and recommendation. The Magistrate Judge filed a report and recommendation on July 28, 2005, clearly stating the parties' right to file written objections to the recommendation within ten days. Ten days have passed and no written objections have been filed in accordance with 28 U.S.C. § 636(b)(1).

The court has reviewed the report and recommendation, as well as the relevant pleadings in this case. Based upon this review and the absence of any filed

objections, the court accepts the report and recommendation and adopts it as the ruling of this court, affirming the Commissioner's decision.

IT IS SO ORDERED.

Dated this 23<sup>rd</sup> day of August, 2005, Topeka, Kansas.

s/ Sam A. Crow  
Sam A. Crow, U.S. District Senior Judge