

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**ROBERT WESTGATE,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF  
SOCIAL SECURITY,**

**Defendant.**

**Case No. 08-4136-JAR**

**ORDER ADOPTING RECOMMENDATION AND REPORT**

Ten days having passed, and no written objections being filed to the proposed findings and recommendations filed by Magistrate Judge John Thomas Reid, and after a de novo determination upon the record pursuant to Fed. R. Civ. P. 72(b), the Court accepts the recommended decision and adopts it as its own.

**IT IS THEREFORE ORDERED** that plaintiff's application for leave to file action *in forma pauperis* is DENIED in accordance with the November 14, 2008 Recommendation and Report (Doc. 4).

**IT IS SO ORDERED.**

Dated this 2<sup>nd</sup> day of December 2008.

S/ Julie A. Robinson  
**Julie A. Robinson**  
**United States District Judge**

