

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2225

ESAU CANTERBURY, for ROMAN CANTERBURY,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant - Appellee.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. David A. Faber, Senior District Judge. (2:07-cv-00061)

Submitted: July 10, 2009

Decided: July 23, 2009

Before NIEMEYER and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Leonard Stayton, Inez, Kentucky, for Appellant. Eric P. Kressman, Acting Regional Chief Counsel, Rafael Melendez, Supervisory Attorney, Lori Karimoto, Assistant United States Attorney, SOCIAL SECURITY ADMINISTRATION, Philadelphia, Pennsylvania, Charles T. Miller, United States Attorney, Carol A. Casto, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Esau Canterbury, on behalf of his son, Roman Canterbury, appeals the district court's order accepting the magistrate judge's recommendation to grant the Commissioner's motion for judgment on the pleadings and terminate his child's social security supplemental income benefits.

We must uphold the district court's disability determination if it is supported by substantial evidence. 42 U.S.C. § 405(g) (2009); Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir. 1990). We have reviewed the record in light of Canterbury's arguments on appeal and find substantial evidence supports the Commissioner's finding that the child's medical condition had improved such that disability benefits should cease. See 20 C.F.R. § 404.1594 (2009). Accordingly, we affirm the termination of benefits. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED