

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-30290
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 5, 2016

Lyle W. Cayce
Clerk

MARLIN J. THOMAS,

Plaintiff-Appellant

v.

CAROLYN W. COLVIN, ACTING COMMISSIONER OF SOCIAL
SECURITY,

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:15-CV-26

Before JONES, WIENER, and CLEMENT, Circuit Judges.

PER CURIAM:*

This is an appeal from the district court's judgment affirming the magistrate judge's denial of Plaintiff-Appellant Marlin J. Thomas's efforts to obtain judicial reversal of the multi-level administrative determination that he was sufficiently improved medically that his Social Security benefits for chronic asthma would cease effective December 31, 2012. We note that (1) Thomas first received reconsideration from the Commissioner that resulted in

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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the upholding of the initial determination terminating his benefits; (2) he was then afforded a hearing by the Administrative Law Judge (“ALJ”) who agreed that Thomas was medically improved and his benefits should terminate as of December 31, 2012; (3) he had his request for review considered and denied by the Appeals Council; (4) he had the magistrate judge consider his district court action and recommend affirmance of the Commissioner’s decision; and (5) he had the district court overrule his objection to the report and recommendation of the magistrate judge and conclude that the findings were correct. After these five consistent rejections of his claims benefits, Thomas appealed to this court — his sixth effort following those first five unsuccessful attempts.

Under the highly restrictive, substantial-evidence standard of review applicable to court challenges of the Commissioner’s findings in cases such as this, we are limited to determining whether substantial evidence supports the Commissioner and whether the Commissioner followed the correct legal standards. Our review of the record on appeal, including the briefs of the parties, satisfies us that Thomas has received due process at every level — administrative and judicial — this appeal being the sixth. And, the conclusions were unanimous that his disability benefits were properly terminated as of December 31, 2012. Our thorough review of this matter satisfies us that the Commissioner followed the correct legal standards and that the Commissioner’s determination is supported by substantial evidence, and therefore should be affirmed.

Although we afford significant deference to parties such as Thomas who proceed pro se, there is a limit to such deference, and Thomas has received more than the required deference at every level. We conclude that his contentions on appeal are wholly without merit, and he is cautioned that

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further efforts to prolong this matter could be met with sanctions for frivolous proceedings.

The judgment of the district court affirming the Commissioner's decision is, in all respects,

AFFIRMED.