

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2409

LOUIS KEITH HARRIS,

Plaintiff - Appellant,

v.

COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (2:11-cv-01590-DCN)

Submitted: August 20, 2013

Decided: August 23, 2013

Before WILKINSON, KING, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

W. Daniel Mayes, SMITH, MASSEY, BRODIE, GUYNN & MAYES, P.A., Aiken, South Carolina, for Appellant. William N. Nettles, United States Attorney, Marshall Prince, Assistant United States Attorney, Columbia, South Carolina; John Jay Lee, Regional Chief Counsel, Noah M. Schabacker, Special Assistant United States Attorney, SOCIAL SECURITY ADMINISTRATION, Denver, Colorado, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Louis Keith Harris appeals the district court's order adopting the magistrate judge's recommendation and upholding the Commissioner of Social Security's decision to deny him supplemental security insurance benefits and a period of disability insurance benefits. We have reviewed the record and affirm.

Our review of the Commissioner's disability determination is limited to evaluating whether the findings are supported by substantial evidence and whether the correct law was applied. See Johnson v. Barnhart, 434 F.3d 650, 653 (4th Cir. 2005) (per curiam) (citing 42 U.S.C. § 405(g) (2006)). "Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Id. (internal quotation marks omitted). We do not reweigh evidence or make credibility determinations in evaluating whether a decision is supported by substantial evidence; "[w]here conflicting evidence allows reasonable minds to differ," we defer to the Commissioner's decision. Id. (internal quotation marks omitted).

Harris claims (1) that the magistrate judge erred in restricting his review after the second remand of Harris's petition solely to the issue of credibility; (2) that the district court should have remanded the case for the

administrative law judge ("ALJ") to consider the opinion of Dr. Holford, which was acquired only after the conclusion of administrative proceedings; and (3) that the ALJ's credibility findings with respect to the degree of pain suffered by Harris are both unclear and unsupported by substantial evidence. Having reviewed each of Harris' arguments in light of the record, we conclude that none of them suffices to disturb the ALJ's denial of benefits.

Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED