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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Julie Thompson Molby,
Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of
Social Security,
Defendant.

No. CV 07-681-TUC-RCC

ORDER

On May,6, 2009, the Honorable Charles R. Pyle, United States Magistrate Judge, filed a Report and Recommendation ("Recommendation") in this action (Docket No.20). The Recommendation advised the Court to deny Plaintiff's Motion for Summary Judgment (Docket No. 14) and grant Defendant's Cross Motion for Summary Judgment (Docket No. 16).

Plaintiff filed several objections to the Magistrate Judge's Report and Recommendation (Docket No.23). Plaintiff contends that the Magistrate Judge erred by finding that substantial evidence supports the Administrative Law Judge's ("ALJ") decision to reject the treating physician's opinion. This court disagrees. The Court agrees with the Magistrate Judge's recommendation that substantial evidence supports the Administrative Law Judge's decision to disregard the treating physician's opinion. The treating physician's decision was based on the plaintiff's subjective opinion. This does not trigger the deference that treating physicians receive when the treating physician's opinion is well supported by objective medical treatment such as clinical and laboratory diagnostics techniques. This

1 Court agrees with the Magistrate Judge's recommendation that the ALJ reasonably relied
2 upon Dr. Campbell's examination finding over Drs. Watson and Goldwasser because unlike
3 Dr. Weston and Dr. Goldwasser's opinions that were based on Plaintiff's statements, Dr.
4 Campbell's was based on an objective mental examination and plaintiff's subjective
5 interview. *See Batson v. Comm'r of Soc. Sec.*, 359 F.3d 1190, 1195,(9th Cir. 2004); *see also*
6 *Tonapetyan v. Halter*, 242 F.3d 1144, 1149. (9th Cir. 2001).

7 The plaintiff also objects to Magistrate's Report on the grounds: (1)that the ALJ failed
8 to give clear and convincing reasons for discounting Plaintiff's credibility; and (2) that the
9 ALJ improperly applied the Medical Vocational Guidelines. This Court disagrees with
10 plaintiff's objections. *See* Report 13-16 (finding ALJ's gave clear and convincing reasons
11 for discounting Plaintiff's testimony); *see also* Report 16-18(discussing the ALJ properly
12 applied the medical vocational guidelines).

13 The Court considers the Recommendation (Docket No.20) to be thorough and well-
14 reasoned. After a thorough and de novo review of the record, and Plaintiff's objections the
15 Court will ADOPT the Recommendation of Magistrate Judge Pyle.

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17 DATED this 19th day of August, 2009.

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22 **Raner C. Collins**
23 **United States District Judge**
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