

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES STEPPI,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 10-954-SLR(SRF)
)	
CAROLYN W. COLVIN,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

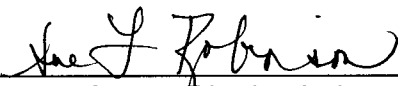
At Wilmington this 31st day of March, 2014, having reviewed the Report & Recommendation issued by Magistrate Judge Sherry R. Fallon on February 27, 2014 (D.I. 18) and the objections filed thereto by plaintiff (D.I. 19), and there having been no timely response filed by defendant to the objections;

IT IS ORDERED that, pursuant to 28 U.S.C. § 636(b)(1), the Report & Recommendation is accepted and the objections overruled, based primarily on the fact that, although plaintiff points to a “number of opinions voicing a concern regarding [his] ability to be gainfully employed” (D.I. 19 at 4), the ALJ (as thoroughly explored by Judge Fallon in her Report & Recommendation) had sufficient reason to assign little weight to such “concerns.” More specifically, the medical opinions cited to by plaintiff in his objections are not from “treating” physicians as that term is defined in regulations, but from physicians who were largely retained in connection with plaintiff’s prior workers’ compensation claims. In this regard, none of them had a long treatment history with

plaintiff and, instead, relied to a great extent on plaintiff's own subjective complaints. (See, e.g., D.I. 5 at 401, 503-534, 604-619, 711-717, 812) In sum, it is not that the ALJ ignored plaintiff's proffered medical evidence of mental impariments; the ALJ rejected such as not being credible, findings fully addressed by Judge Fallon. (D.I. 18 at 28-32) The court finds no error in Judge Fallon's analysis.

IT IS FURTHER ORDERED that:

1. Plaintiff's motion for summary judgment (D.I. 9) is denied.
2. Defendant's motion for summary judgment (D.I. 14) is granted.
3. The Clerk of Court is directed to enter judgment in favor of defendant and against plaintiff.


United States District Judge