

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

JOHN CARMAN,

Plaintiff,

v.

CASE NO. 1:07-cv-00210-MP-WCS

MICHAEL J ASTRUE,

Defendant.

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**ORDER**

This matter is before the Court on Doc. 17, Report and Recommendation of the Magistrate Judge, recommending that the decision of the Commissioner, denying benefits be affirmed. The plaintiff filed objections, doc. 18, which the Court has reviewed. For the reasons which follow, the Report and Recommendation is adopted.

In the objections, the plaintiff argues that because treating physician diagnosed chronic pain syndrome, and because the Administrative Law Judge acknowledged Plaintiff's chronic pain syndrome was a severe impairment, the substantial evidence in this case overwhelming supports the Plaintiff's pain testimony. The Court disagrees, however. All treating physicians have found that Plaintiff's work limitations do not preclude the ability to do light work, though without the use of his right hand and arm. On June 1, 1993, Dr. DePaz determined that Plaintiff could still perform light work, even though he found Plaintiff to have a 27% permanent impairment. R. 190-191. More relevant to the claim for disability insurance benefits, on June 9, 1999, Dr. Jain released Plaintiff to "light duty, no lifting over 10 lbs with a splint." R. 261. On September 21, 1999, Dr. Jain again released Plaintiff to light work. R. 231. Plaintiff saw Dr. Dell on October 9, 2000, thought Plaintiff to be fit for light work, but with no use of the right hand. R. 266. Id. On

October 23, 2000, Dr. Dell thought that Plaintiff had "no use of the right hand, five pound weight lift limit." Id. That same work restriction was noted on December 11, 2000, no lifting greater than five pounds, no use of his right arm, and wear a splint at work. R. 264. On April 18, 2001, Dr. Greenberg's only work restriction was that Plaintiff would be "unable to perform work related activities that require heavy lifting or bending." R. 307.

Accordingly, the Court agrees with the Magistrate Judge that substantial evidence exists to support the decision of the ALJ, and it is hereby

**ORDERED AND ADJUDGED:**

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. The decision of the Commissioner, denying benefits, is affirmed.

**DONE AND ORDERED** this 17th day of December, 2008

*s/Maurice M. Paul*  
Maurice M. Paul, Senior District Judge