

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

LESTER WRIGHT,

Plaintiff,

v.

CASE NO. 1:14-cv-00152-MP-GRJ

CAROLYN W COLVIN,

Defendant.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated June 16, 2015. (Doc. 24). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Plaintiff has filed objections at Doc. 25. I have made a de novo review based on those objections.

Having considered the Report and Recommendation, and the timely filed objections, I have determined that the Report and Recommendation should be adopted. The plaintiff in this case claimed that he “could not perform any work activity.” Thus, when judging plaintiff’s credibility, the Administrative Law Judge (“ALJ”) noted how the medical record and the daily activities of the plaintiff were inconsistent with that statement.

Plaintiff tries to convince the Court that the ALJ’s statement went beyond merely considering credibility. For example, in his objections, the plaintiff asserts that, by rejecting that statement, the ALJ had decided “to determine not whether the claimant can perform Substantial Gainful Activity (SGA), defined by the 11th Circuit as full time work; but instead to determine

whether plaintiff Wright has the ‘inability to perform any work activity.’” Doc. 25, p. 1. That is, plaintiff pretends that this means that the ALJ was holding that you are not disabled unless you have a complete inability to work. The full ALJ opinion makes clear that the ALJ was not applying such a standard. Instead, the ALJ applied all steps in the sequential evaluation, including finding a limited residual functional capacity.

Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The magistrate judge’s Report and Recommendation is adopted and incorporated by reference in this order.
2. The decision of the Commissioner, denying benefits, is affirmed.

DONE AND ORDERED this 22nd day of September, 2015

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