

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

JIM MARTIN o/b/o SUE MARTIN,

Plaintiff,

v.

CASE NO. 5:09cv335-SPM/MD

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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ORDER

THIS CAUSE comes before the court on the magistrate judge's report and recommendation dated September 23, 2010 (doc. 29). Plaintiff filed objections (doc. 30) pursuant to Title 28, United States Code, Section 636(b)(1). Despite the objections, I have determined that the report and recommendation should be adopted.

As explained in the report and recommendation, the ALJ properly discounted Dr. Brooks' opinion based on the totality of the evidence. He noted that Dr Brooks' records did not support a finding of disability, that the lack of sensory deficits belied foot-drop as a major problem, that prescribed medication

controlled Ms. Martin's subjective complaints of pain, and that the more recent complaints of back pain occurred long after the date last insured. The findings of Drs. Derkaz and Andem were normal.

With regard to Ms. Martin's depression, the evidence supports the ALJ's conclusion that it was not a severe impairment. Furthermore, Dr. Horvat stated that Ms. Martin's psychological condition did not impair her ability to work.

Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 29) is ADOPTED and incorporated by reference in this order.

2. The Commissioner's decision is affirmed.

DONE AND ORDERED this 6th day of January, 2011.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge