

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION
CIVIL ACTION NO. 1:08CV108-J

MARILYN WESLEY

PLAINTIFF

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

DEFENDANT

MEMORANDUM OPINION AND ORDER

Plaintiff Marilyn Wesley seeks Disability Insurance Benefits which were denied by the Commissioner. This matter was referred to United States Magistrate Judge W. David King who recommends that the final decision of the Commissioner be affirmed and the plaintiff's Complaint dismissed.

Plaintiff has timely filed objections to the Magistrate's Report arguing that 1) the ALJ erred by rejecting the portion of treating physician Dr. Wright's assessment that plaintiff would be unable to sustain complete work days; and 2) Dr. Combs' limitation of no lifting more than two pounds was improperly evaluated by the ALJ. Thorough review of the record in light of claimant's arguments reveals that the ALJ's conclusions are supported by substantial evidence of record. The issues in contention were sufficiently addressed in the Magistrate Judge's Report and Recommendation.

In sum, this Court has conducted a de novo review of the entire record and finds that the analyses and conclusions of the Magistrate Judge mirror those of the undersigned. The Court adopts the Magistrate Judge's Report and Recommendation in lieu of writing a separate opinion.

Accordingly, for the reasons stated herein, IT IS ORDERED:

- 1) The Magistrate Judge's Report and Recommendation is ADOPTED, and those findings and conclusions are incorporated by reference herein;

- 2) The final Decision of the Commissioner denying benefits is AFFIRMED; and
- 3) Plaintiff's Complaint is DISMISSED, with prejudice.

This is a final and appealable Memorandum Opinion and Order, and there is no just cause for delay.