

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

STEPHANIE CORTEZ,

Plaintiff

VERSUS

SOCIAL SECURITY ADMINISTRATION,

Defendant

CIVIL ACTION

NO. 13-74

SECTION "E"

ORDER AND REASONS

On January 3, 2014, the Magistrate Judge issued a thorough and well-reasoned report and recommendation in this Social Security Disability case, recommending that Plaintiff's motion for summary judgment be denied and Defendant's motion for summary judgment be granted.¹ Plaintiff timely filed objections to that report and recommendation.²

The Court has reviewed those objections and finds no error in the Magistrate Judge's report and recommendation. The ALJ's finding that the Plaintiff's headaches are not a severe impairment is substantially supported by the record, and particularly by the ALJ's factual finding that the Plaintiff's "statements concerning the intensity, persistence and limiting effects of these symptoms are not credible" and by the limited course of treatment she pursued for headaches during the relevant time period.³ The Magistrate Judge did not rely on post-hoc arguments to support the ALJ's decision, as Plaintiff apparently contends; both the ALJ and the Magistrate Judge correctly considered the severity of Plaintiff's

¹R. Doc. 12.

²R. Doc. 13.


³R. Doc. 8-2 at 14, 17.

impairments for the same relevant time period during which she was eligible for benefits.⁴ Because the ALJ's finding regarding the severity of Plaintiff's headaches is supported by substantial evidence, the ALJ's reliance on those findings in its residual functional capacity analysis was proper, as the Magistrate Judge correctly concluded. Finally, Plaintiff criticizes the ALJ's citation to a particular article regarding lumbar discography. The ALJ cited that article as only one of several reasons to discount the unpersuasive testimony of one of Plaintiff's treating physicians; even if the article has since been questioned, substantial record evidence still supports the ALJ's decision.

In sum, Plaintiff identifies no error either in the ALJ's decision or in the Magistrate Judge's Report and Recommendation. Therefore, the Court hereby approves the Magistrate Judge's Report and Recommendation and adopts it as the Court's opinion herein. Accordingly,

IT IS ORDERED that plaintiff's motion for summary judgment is **DENIED** and that defendant's motion for summary judgment is **GRANTED**.

New Orleans, Louisiana, this 25th day of March, 2014.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

⁴R. Doc. 8-2 at 14.