

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ROBERT WINDES

CIVIL ACTION

VERSUS

NO. 16-4871

SOCIAL SECURITY
ADMINISTRATION

SECTION "R" (5)

ORDER AND REASONS

The Court has reviewed *de novo* the complaint,¹ plaintiff's motion for summary judgment,² defendant's cross-motion for summary judgment,³ the record, the applicable law, the Magistrate Judge's Report and Recommendation,⁴ and plaintiff's objections.⁵ The Magistrate Judge's recommended ruling is correct, and plaintiff's objections were fully addressed by the Report and Recommendation or are otherwise without merit.⁶ Accordingly, the Court adopts the Magistrate Judge's Report and Recommendation as its opinion herein.

¹ R. Doc. 1.

² R. Doc. 13.

³ R. Doc. 14.

⁴ R. Doc. 15.

⁵ R. Doc. 16.

⁶ R. Doc. 15. Plaintiff objects to the Report and Recommendation's discussion of plaintiff's omission of deep vein thrombosis as a disabling condition on his original application and plaintiff's failure to ask the vocational expert about exertional limitations resulting from deep vein thrombosis. *See* R. Doc. 16-1 at 10-14. But the Magistrate Judge did not base his recommendation on a finder of waiver. The Magistrate Judge

IT IS ORDERED that defendant's cross-motion for summary judgment is GRANTED. Plaintiff's motion for summary judgment is DENIED and plaintiff's complaint is DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this 31st day of August, 2017.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

correctly concluded that substantial evidence in the medical record supports the Administrative Law Judge's finding that plaintiff's deep vein thrombosis does not cause him any functional limitations.