

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

THOMAS JOE CATRON

CIVIL ACTION

VERSUS

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL
SECURITY

NO. 14-00441-BAJ-RLB

RULING AND ORDER

On August 14, 2015, United States Magistrate Judge Richard L. Bourgeois, Jr. issued a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), recommending that the Court affirm the Acting Commissioner of the Social Security Administration's decision denying Plaintiff Thomas Joe Catron's ("Catron" or "Plaintiff") application for disability insurance benefits and supplemental security income, and dismissing Catron's appeal. (**Doc. 12**).

The Magistrate Judge's Report and Recommendation specifically notified all parties that, pursuant to 28 U.S.C. § 636(b)(1), the parties had fourteen (14) days from the date they were served with the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations set forth therein. (**Doc. 12** at p. 1). A review of the record indicates that Catron submitted written objections on August 31, 2015.¹ (**Doc. 13**).

¹ In his objections, Plaintiff argues, without citing to any authority, that the Commission's Administrative Law Judge ("ALJ") "did not give enough weight to the opinions and conclusions of the primary treating physician, Dr. Saunders." (Doc. 13 at p. 1). Specifically, Catron contends (1) that the "competing [medical] evidence" cited by the Magistrate Judge does not directly dispute Dr. Saunders' conclusions and should be given little weight; (2) that Plaintiff's failure to seek additional

Having carefully considered the Magistrate Judge's Report and Recommendation, the record, and the applicable law, the Court concludes that the Magistrate Judge's Report and Recommendation is correct, and hereby adopts its findings of fact and conclusions of law.

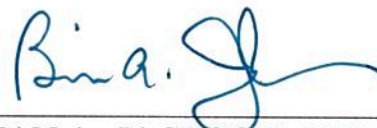
Accordingly,

IT IS ORDERED that the **Magistrate Judge's Report and Recommendation (Doc. 12)** is **ADOPTED** as the Court's opinion herein.

IT IS FURTHER ORDERED that the Acting Commissioner of the Social Security Administration's decision denying Plaintiff Thomas Joe Catron's application for disability insurance benefits and supplemental security income is **AFFIRMED**.

IT IS FURTHER ORDERED that the above-captioned matter is **DISMISSED WITH PREJUDICE**.

Baton Rouge, Louisiana, this 14th day of September, 2015.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

treatment is an indication of his financial status and the dearth of free health care in Louisiana, not of the severity of his medical condition; and (3) that the failure of Dr. Saunders' treating records to align with the content of his findings regarding Catron's physical limitations is a documentation error over which Plaintiff has no control. (Doc. 13). In his recommendation, the Magistrate Judge reasoned (1) that Plaintiff failed to timely submit his new evidence to the Appeals Council, but that "any error in the Appeals Council's failure to include the [new evidence] in the record is harmless as Plaintiff has not demonstrated any resulting prejudice," and (2) that the ALJ's failure to specify the weight he assigned to Dr. Saunders' findings was harmless error and that the ALJ's findings are supported by substantial evidence. (Doc. 12 at p. 6-17).