

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

| | | |
|--------------------------------------|---|--------------------------|
| BART LANGLEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 1:16-cv-00064-JDL |
| |) | |
| CAROLYN W. COLVIN, |) | |
| Acting Commissioner of Social |) | |
| Security Administration, |) | |
| |) | |
| Defendant. |) | |

**ORDER ACCEPTING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE**

After being denied Supplemental Security Income benefits, Plaintiff Bart Langley sought review of the administrative law judge’s decision. ECF No. 1. United States Magistrate Judge John H. Rich III filed his Report and Recommended Decision (ECF No. 19) with the Court on December 29, 2016, pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). Langley filed an Objection to the Recommended Decision (ECF No. 20) on January 12, 2017. The defendant filed a Response to the plaintiff’s Objection (ECF No. 21) on January 20, 2107.

I have reviewed and considered the Magistrate Judge’s Recommended Decision, together with the entire record, and have made a de novo determination of all matters adjudicated by it. I concur with the Magistrate Judge’s conclusions as set forth in his Recommended Decision and determine that no further proceeding is necessary.

I note that Langley raised an issue in his objection to the Recommended Decision regarding the psychological examination performed by Dr. Tennes. ECF No. 20 at 3. Langley argues that the administrative law judge's failure to address Dr. Tennes' opinion that Langley would be unreliable due to his chronic pain was reversible error. *Id.* at 3-4.

In his Statement of Errors, Langley asserted that Dr. Tennes' psychological opinion stated that Langley's ability to deal with stressors was compromised "as a result of depression." ECF No. 13 at 7. Dr. Tennes' opinion on the effect of Langley's chronic pain on his reliability was not mentioned anywhere in the Statement of Errors. *See* ECF No. 13. This argument has therefore been waived. *Vining v. Astrue*, 720 F. Supp. 2d 126, 128 (D. Me. 2010) ("the law is clear in this Circuit that failure to raise an argument before the Magistrate Judge waives it before the District Court").

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ACCEPTED**. The decision of the Social Security Administration Commissioner is **AFFIRMED**.

SO ORDERED.

Dated this 10th day of February 2017

/s/ Jon D. Levy
U.S. DISTRICT JUDGE