

Findings and Recommendations to which objection is made. 28 U.S.C. § 636(b)(1). But Robison's objections, that Judge Ostby (1) failed to properly weigh the opinions of two treating psychiatrists, (2) failed to properly evaluate Mr. Robison's credibility, (3) affirmed the ALJ's reliance on flawed vocational expert testimony, and (4) erred in concluding that the ALJ's decision was supported by substantial evidence, are a rehashing of the same arguments rejected by Judge Ostby. *See doc. 21, pp.8-11*. Accordingly, this Court need not refute his arguments. *Shiplot v. Veneman*, 620 F.Supp.2d 1203, 1206, n.2 (D.Mont. 2009) *aff'd* 383 Fed.Appx. 667 (9th Cir. 2010); *see also Edwards v. Fischer*, 414 F.Supp.2d 342, 346-47 (S.D.N.Y. 2006) (where objections to F&R merely rehash same arguments made to magistrate judge, review is for clear error).

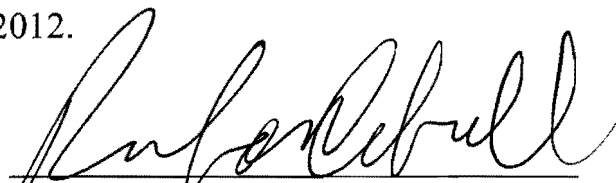
Judge Ostby correctly noted that this Court's review of the Commissioner's decision is very limited—the Commissioner's decision must be upheld unless it is (1) not supported by substantial evidence, which means more than a mere scintilla, but less than a preponderance, or (2) based on legal error. *Ryan v. Commr. of Soc. Sec.*, 528 F.3d 1194, 1198 (9th Cir. 2008); 42 U.S.C. § 405(g). Just because there is evidence in the record that would support Robison's claim does not render the ALJ's decision erroneous. As shown by Judge Ostby, the Commissioner's decision is neither legally erroneous or unsupported by

substantial evidence. As such, the Findings and Recommendation of Magistrate Judge Ostby are well grounded in law and fact and are adopted in their entirety.

IT IS HEREBY ORDERED that Robison's Motion for Summary Judgment (*doc. 15*) is DENIED, and the Commissioner's Motion for Summary Judgment (*doc. 19*) is **GRANTED**.

The Clerk of Court shall notify the parties of the entry of this Order, enter judgment accordingly, and close this case .

DATED this 22nd day of May, 2012.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE