

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEVE STEPHENS,	:	
Plaintiff	:	
	:	No. 1:15-CV-2029
v.	:	
	:	(Judge Kane)
CAROLYN W. COLVIN,¹	:	(Magistrate Judge Cohn)
Acting Commissioner of the Social Security	:	
Administration,	:	
Defendant	:	

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On February 27, 2012, Plaintiff Steve Stephens (“Plaintiff”) filed as a claimant for disability benefits under Title II and XVI of the Social Security Act, 42 U.S.C. §§ 401-433, 1382-1383 (the “Act”), claiming a disability onset date of April 25, 2011. (Doc. No. 10-2 at 14.) Following the initial denial of Plaintiff’s claim, Plaintiff requested a hearing before an Administrative Law Judge (“ALJ”), which was held on January 29, 2014. (Id.) On May 15, 2014, the ALJ found that Plaintiff was not disabled under the Act. (Id.) On September 14, 2015, the Appeals Council denied Plaintiff’s request for review of the ALJ’s decision, and affirmed that decision as the “final decision” of the Commissioner. (Id. at 2.)

On October 14, 2015, Plaintiff filed the above-captioned action pursuant to 42 U.S.C. § 405g, appealing the Commissioner of the Social Security Administration’s final decision denying his claim for Social Security benefits, which has been fully briefed. (Doc. No. 1.) Now

¹ The Court notes that since the institution of this action, Carolyn W. Colvin has been succeeded as Acting Commissioner of the Social Security Administration by Nancy A. Berryhill. Pursuant to Federal Rule of Civil Procedure 25(d), a public officer’s successor is automatically substituted as a party in an action brought against the public officer in an official capacity.

before the Court is the Report and Recommendation of Magistrate Judge Cohn, recommending that Plaintiff's appeal be denied, and Plaintiff's objections thereto. (Doc. Nos. 24, 25.) In his Report and Recommendation, Magistrate Judge Cohn finds that the ALJ's decision was supported by substantial evidence. (Id. at 55-56.)

Plaintiff objects to the Report and Recommendation on the grounds that Magistrate Judge Cohn erred in finding that: (1) substantial evidence supports the ALJ's allocation of little weight to Dr. DeMuth's medical opinion; (2) substantial evidence supports the ALJ's reliance on Dr. Schnepf's July 2012 opinion and according less weight to Dr. Schneider's May 2012 consultative opinion; (3) substantial evidence supports the ALJ's conclusion that Plaintiff's impairments do not meet the requirements of Paragraph B for Listing 12.04; and (4) substantial evidence supports the ALJ's credibility determination relating to Plaintiff's use of a cane to ambulate. (Doc. No. 25.) Having considered Plaintiff's objections, the Court finds that Magistrate Judge Cohn correctly and comprehensively addressed the substance of Plaintiff's objections in the Report and Recommendation itself. (Doc. No. 25.) Accordingly, the Court will not write separately to address Plaintiff's objections.

AND SO, upon independent review of the record and applicable law, on this 28th day of March 2017, **IT IS ORDERED THAT**:

1. Magistrate Judge Cohn's Report and Recommendation (Doc. No. 24), is **ADOPTED**;
2. Plaintiff Steve Stephens' appeal (Doc. No. 1), is **DENIED**, as the ALJ's decision is supported by substantial evidence;
3. Judgment is entered in favor of the Commissioner and against Steve Stephens;
and
4. The Clerk of Court is directed to close the above-captioned case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania