

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

MELISSA ANN WHITFIELD,)	
)	
<i>Plaintiff,</i>)	
)	Case No. 1:14-cv-193
v.)	
)	Judge Mattice
CAROLYN W. COLVIN)	Magistrate Judge Steger
Acting Commissioner of Social Security,)	
)	
<i>Defendant.</i>)	
)	

ORDER

On February 23, 2015, United States Magistrate Judge William B. Carter filed his Report and Recommendation (Doc. 17) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that (1) Plaintiff’s Motion for Summary Judgment (Doc. 12) be denied; (2) Defendant’s Motion for Summary Judgment (Doc. 15) be granted; (3) this action be dismissed.

Plaintiff has filed timely objections to the Magistrate Judge’s Report and Recommendation. (Doc. 18). These objections, however, merely restate the arguments set forth in Plaintiff’s Motion for Summary Judgment, which were fully addressed in Magistrate Judge Carter’s Report and Recommendation. (*Compare* Doc. 12 *with* Doc. 18; *see* Doc. 17). Specifically, Plaintiff reiterates the argument that the Administrative Law Judge (“ALJ”) “made findings of fact that were unsupported by substantial evidence,” and that, conversely, Plaintiff’s allegations were supported by substantial evidence. (Doc. 18).

The Court has conducted a review of the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Carter’s well-reasoned conclusions.

Notably, this Court cannot substitute its own judgment for that of the Commissioner simply because substantial evidence may exist to support a different conclusion. *Felisky v. Bowen*, 35 F.3d 1027, 1035 (6th Cir. 1994) (“The substantial evidence standard presupposes that there is a zone of choice within which the Secretary may proceed without interference from the courts.”) (internal quotation marks omitted). Because the Court agrees with Magistrate Judge Carter that the ALJ’s conclusions were supported by substantial evidence, the Court will **OVERRULE** Plaintiff’s objections (Doc. 18).

Accordingly:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter’s findings of fact, conclusions of law, and recommendations (Doc. 17) pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff’s Objections (Doc. 18) are **OVERRULED**;
- Plaintiff’s Motion for Summary Judgment (Doc. 12) is **DENIED**;
- Defendant’s Motion for Summary Judgment (Doc. 15) is **GRANTED**;
- The decision of the Commissioner is **AFFIRMED**;
- This case is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED this 25th day of August, 2015.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE