

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**KARI LORENA RUTLEDGE**

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§

vs.

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**CIVIL ACTION NO. 6:15cv399**

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**COMMISSIONER, SOCIAL**

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**SECURITY ADMINISTRATION**

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**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED  
STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the decision of the Commissioner be affirmed and that the complaint be dismissed with prejudice. Plaintiff filed written objections on September 6, 2016.

Having made a *de novo* review of the objections filed by Plaintiff, the Court finds that the findings, conclusions and recommendation of the Magistrate Judge are correct and Plaintiff's objections are without merit. Plaintiff asserts that the ALJ did not adequately explain the weight given to all of the medical evidence in the record other than rejecting her treating physician's statement that she is precluded from all work activity. As fully considered in the Report and Recommendation, however, the ALJ properly evaluated all of the medical evidence in the record and concluded that Dr. Sawtelle's finding that she is unable to work a full eight-hour workday for forty hours per week is not supported in the medical records. The ALJ specifically determined that the medical evidence, including Dr. Sawtelle's examinations, and Plaintiff's

testimony concerning her activities of daily living are consistent with the opinion of the medical expert, Dr. Amusa. The ALJ's opinion also addressed the findings of two state agency physicians and gave little weight to their opinions that Plaintiff can perform medium work activity, finding instead that Plaintiff can perform sedentary work activity. Plaintiff's assertion of error lacks merit.

There is substantial evidence in the record supporting the Commissioner's decision and the ALJ applied the correct legal standards. The findings and conclusions of the Magistrate Judge are, therefore, adopted as those of the Court. It is

**ORDERED** that Plaintiff's objections are **OVERRULED**. The decision of the Commissioner is **AFFIRMED** and this Social Security action is **DISMISSED WITH PREJUDICE**. It is further

**ORDERED** that any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **21** day of **September, 2016**.



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Ron Clark, United States District Judge