

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

LARRY WALLACE

§

§

vs.

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CIVIL ACTION NO. 6:15cv722

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**COMMISSIONER, SOCIAL
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 March 13, 2017.

Having made a *de novo* review of the objection filed by Plaintiff, the findings, conclusions and recommendation of the Magistrate Judge are correct and Plaintiff's objection is without merit. As fully described in the Report and Recommendation, there is substantial evidence in the record supporting the Commissioner's decision and the ALJ applied the correct legal standards.

Plaintiff asserts a conclusory allegation that the ALJ did not properly weigh and articulate the weight given to each medical opinion in accordance with 20 C.F.R. 404.1527. Plaintiff does not, however, identify a specific medical opinion that the ALJ failed to properly weigh. The regulation relied upon by Plaintiff—20 C.F.R. 404.1527—provides guidance for evaluating medical opinions. The regulation defines medical opinions as “statements from acceptable

medical sources that reflect judgments about the nature and severity of [the claimant's] impairment(s), including [his] symptoms, diagnosis and prognosis, what [he] can still do despite impairment[s], and [his] physical or mental restrictions.” 20 C.F.R. 404.1527(a)(1). The regulation does not include a requirement for the ALJ to weigh each treatment note, although the record in this case reveals that the ALJ properly considered the medical record in its entirety. Here, the ALJ identified the weight given to the one opinion in the record that addresses Plaintiff's functional ability, a State agency consultant's opinion that Plaintiff can perform light work activity. The ALJ determined that the opinion should be given little weight because the consultant did not review the entire record and the ALJ further restricted Plaintiff's activity level to sedentary work. Plaintiff has not identified any other medical opinion, as defined by 20 C.F.R. 404.1527(a)(1), that appears in the record. The findings and conclusions of the Magistrate Judge are, therefore, adopted as those of the Court. It is

ORDERED that Plaintiff's objection is **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 29th day of March, 2017.



Ron Clark, United States District Judge