

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

ANNETTE HOLLOWAY,
Plaintiff,

v.

**COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,**
Defendant.

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CASE No. 6:15-cv-811-RC-JDL

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

On September 1, 2015, Plaintiff initiated the above entitled and numbered civil action pursuant to the Social Security Act, Section 205(g) for judicial review of the Commissioner’s denial of Plaintiff’s application for Social Security benefits. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On January 13, 2017, the Magistrate Judge issued a Report and Recommendation confirming that the decision of the Commissioner should be affirmed and the action dismissed with prejudice. Docket No. 16. Plaintiff has filed objections to the Report and Recommendation. Docket No. 17.

Plaintiff objects that the Magistrate Judge “erred in finding that the ALJ correctly applied the applicable legal standards in assessing Ms. Holloway’s credibility, residual functional capacity (“RFC”), and ability to perform work, and in finding that substantial evidence supports those assessments.” Docket No. 17, at 1. Plaintiff then recites the standards for federal court review of an ALJ’s decision. *Id.* at 1-2. Specifically, judicial review of the Commissioner’s denial of disability benefits is limited to determining whether the decision is supported by substantial evidence in the record and used proper legal standards in evaluating the evidence. *Id.* at 1; see also Docket No. 16, at 2. Plaintiff states that the ALJ failed to give specific reasons for

her credibility determination, as required by courts in this district. Docket No. 17, at 2 (citing *Prince v. Barnhart*, 418 F. Supp. 2d 863 (E.D. Tex. 2005)). Plaintiff then quotes at length from her opening brief before concluding with the assertions that “the ALJ failed to apply the applicable legal standards” and “substantial evidence does not support the findings.” Docket No. 17, at 2-3. Plaintiff does not refer to the Magistrate Judge’s findings anywhere in the substance of her objections or argue that the Magistrate Judge erred in any way in his findings.

The Court finds that Plaintiff’s general objection lacks merit. The record reveals that the Magistrate Judge thoroughly considered the ALJ’s credibility finding in his Report and Recommendation, and found that the ALJ properly considered all relevant factors and carefully considered the objective medical evidence in rendering his credibility finding. Docket No. 16, at 8–11. As such, the Magistrate Judge did not err in finding the ALJ’s credibility finding to be supported by substantial evidence.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the decision of the Commissioner is **AFFIRMED** and the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that any motion not previously ruled on is **DENIED**.

So Ordered and Signed

Feb 8, 2017



Ron Clark, United States District Judge