

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

JANET ANN ROBERTS,
Plaintiff,

v.

CAROLYN W. COLVIN
ACTING COMMISSIONER OF
SOCIAL SECURITY
Defendant.

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CASE No. 6:15-cv-835-RC-JDL

ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

On September 7, 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 February 6, 2017, the Magistrate Judge issued a Report and Recommendation confirming that the decision of the Commissioner should be affirmed and the action be dismissed with prejudice. Docket No. 19. Plaintiff filed objections to the Report and Recommendation (“Report”). Docket No. 20. No response to the objections has been filed.

Plaintiff objects that the Magistrate Judge “erred in finding that the ALJ correctly applied the applicable legal standards in assessing Ms. Robert’s credibility, residual functional capacity (“RFC”), and ability to perform work, and in finding that substantial evidence supports those assessments.” Id. at 1. Specifically, Plaintiff claims that the Magistrate Judge erred by referring to the ALJ’s conclusion that that the medical record evidence does not support the severity of the RFC found by Dr. Phillips. Id. at 2.

Plaintiff simply states that “RFC is not measured by severity,” but fails to cite to any authority or case law that would suggest the Magistrate Judge or the ALJ applied an incorrect legal standard. *Id.* Moreover, Plaintiff does not refer to any of the Magistrate Judge’s findings in her objections. *Id.*

The Court finds Plaintiff’s perfunctory objections meritless and unsupported by authority. The record reveals that the Magistrate Judge thoroughly considered the ALJ’s credibility, RFC, and ability to perform work findings in his Report, and found that the ALJ properly considered all relevant factors and the objective medical evidence in rendering his findings. Docket No. 19 at 6-12. As such, the Magistrate Judge did not err in concluding that the ALJ’s findings are supported by substantial evidence.

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

So Ordered and Signed

Mar 10, 2017



Ron Clark, United States District Judge