

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ANGELA THRASH,

Plaintiff,

v.

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

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NO. 12-CV-4328-P


**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

On July 24, 2013, the assigned Magistrate Judge issued Findings, Conclusions, and Recommendation (“FCR”) in which she recommended that the Court deny Plaintiff’s Motion for Summary Judgment (doc. 20), grant Defendant’s Cross-Motion for Summary Judgment (doc. 22), and affirm the Commissioner’s decision to deny Supplemental Security Income (“SSI”) and Disability Insurance Benefits (“DIB”) to Plaintiff Angela Thrash. Plaintiff timely objected to the recommendation. (*See* Pl.’s Obj’ns to FCR [hereinafter Obj’ns], doc. 24.) She objects that the Magistrate Judge erred in finding that substantial evidence supports the determination of her residual functional capacity (“RFC”) by the Administrative Law Judge (“ALJ”). (*Id.* at 1-2.) She urges the Court to reverse the decision of the Commission and remand her case for further administrative proceedings. (*Id.* at 2-3.) The Commissioner has filed no response to the objections.

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and the filed objections, in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(3), the Court finds that the Findings and Conclusions of the Magistrate Judge are correct. As found by the Magistrate Judge, substantial

evidence supports the RFC determination of the ALJ. Substantial evidence “is more than a mere scintilla and less than a preponderance. A finding of no substantial evidence is appropriate only if no credible evidentiary choices or medical findings support the decision.” *Boyd v. Apfel*, 239 F.3d 698, 704 (5th Cir. 2001). The Magistrate Judge properly found that credible medical evidence supports the RFC determination. Having conducted a de novo review and determination of the sole issue to which Plaintiff has specifically objected, the Court finds no error by the Magistrate Judge. A review of the remainder of the Findings, Conclusions, and Recommendation of the Magistrate Judge for clear error reveals no such error on the face of the record. Accordingly, the Court hereby accepts the Findings and Conclusions of the Magistrate Judge as the Findings and Conclusions of the Court; **DENIES** Plaintiff’s Motion for Summary Judgment (doc. 20), **GRANTS** Defendant’s Cross-Motion for Summary Judgment (doc. 22), and **AFFIRMS** the Commissioner’s decision to deny Supplemental Security Income and Disability Insurance Benefits to Plaintiff Angela Thrash.

SO ORDERED this 24th day of September, 2013.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE