

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

RICHARD WAYNE WOOTEN	§	
	§	
VS.	§	ACTION NO. 4:14-CV-936-Y
	§	
CAROLYN W. COLVIN	§	

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The Report and Recommendation of the United States magistrate judge filed on February 25, 2016; and
3. Plaintiff's objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on March 10.

Plaintiff makes the same arguments in his objections that were addressed in detail in the magistrate judge's report. This Court, after de novo review, concludes that the Commissioner's decision should be affirmed for the reasons stated in the magistrate judge's report.¹

¹ The Court acknowledges that this case, as in *Newton v. Apfel*, 209 F.3d 448 (5th Cir. 2000), "[i]s not a case where there is competing first-hand medical evidence and the ALJ finds as a factual matter that one doctor's opinion is more well-founded than another," which would therefore require the ALJ to analyze the six regulatory factors under 20 C.F.R. § 404.1527. *Wilder v. Colvin*, No. 13-CV-3014-P, 2014 WL 2931884 at 6 (N.D. Tex. June 30, 2014)(J. Solis) (quoting *Newton*, 209 F.3d at 458)). However, in its recent per-curiam opinion, the United States Court of Appeals for the Fifth Circuit exemplified the amount of latitude and deference it gives to an ALJ with respect to the amount of detail required to satisfy the analysis under 20 C.F.R. § 404.1527. See *Jones v. Colvin*, No. 15-30298, 2016 WL 158016 (5th Cir. Jan. 13, 2016). The Court finds *Jones* is particularly instructive to this case and concludes that the ALJ properly analyzed each of the six regulatory factors in his written decision.

It is ORDERED that the report of the magistrate judge should be and is hereby ADOPTED as the decision of this Court. As a result, the decision of the Commissioner is AFFIRMED.

SIGNED March 24, 2016.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE