

United States District Court
Southern District of Texas

ENTERED

September 09, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

APOLONIO HERNANDEZ,

Plaintiff,

VS.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION, *et al*,

Defendants.

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CIVIL ACTION NO. 4:16-CV-3325

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Defendant’s Motion for Summary Judgment (Doc. No. 14); Judge Stacy’s Memorandum and Recommendation (Doc. No. 18) that the Court grant the Defendant’s Motion for Summary Judgment and affirm the decision of the Commissioner; and Plaintiff’s Objections (Doc. No. 19) to the Memorandum and Recommendation. The Court notes that Plaintiff did not file a motion for summary judgment, nor did he respond to Defendant’s Motion for Summary Judgment although he was given additional time within which to do so.

The Court has reviewed the case, *de novo*, and agrees with the Magistrate Judge’s conclusion that the Administrative Law Judge and the Commissioner properly used the guidelines set out by the Social Security Administration which found that Hernandez was not disabled within the meaning of the Act, that substantial evidence supports the Administrative law Judge’s decision, and that the Commissioner’s decision should be affirmed. Accordingly, it is hereby


ORDERED that Plaintiff Apolonio Hernandez’s Objections (Doc. No. 19) are **OVERRULED**; the Memorandum and Recommendation (Doc. No. 18) is **ADOPTED**;

Defendant's for Summary Judgment (Doc. No. 14) is **GRANTED**; and the Commissioners decision is **AFFIRMED**. It is further

ORDERED that Plaintiff's case is **DISMISSED WITH PREJUDICE**.

Entry of this Order shall constitute entry of Final Judgment.

SIGNED at Houston, Texas, this 9th day of September 2019.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE