

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-31134

Summary Calendar

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ERNEST J. COLONNA, JR.,

Plaintiff-Appellant,

versus

LARRY G. MASSANARI,  
Acting Commissioner of Social Security,

Defendant-Appellee.

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Appeal from the United States District Court  
For the Western District of Louisiana  
USDC No. 98-CV-771

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April 18, 2001

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Ernest J. Colonna appeals the denial of his claim for Supplemental Security Income benefits. He asserts that the district court erred in affirming the Commissioner's denial of his claim. Colonna contends that (1) the Appeals Council erred by not remanding the cause to the Administrative Law Judge for consideration of new and material evidence; (2) Colonna is entitled to reversal because the ALJ did not require the examining

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\*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

psychiatrist to submit a mental assessment form; and (3) the Appeals Council improperly relied on the Medical-Vocational Guidelines to justify the denial of benefits.

After careful review of the record, we AFFIRM based substantially on the reasons stated in the magistrate judge's report, which the district court accepted.<sup>1</sup>

AFFIRMED.

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<sup>1</sup> *Colonna v. Apfel*, No. 2:98-CV-771 (W.D. La. July 18, 2000) (unpublished).