

July 21, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-40206
Summary Calendar

DON L. DARDEN,

Plaintiff-Appellant,

versus

JO ANNE B. BARNHART, COMMISSIONER
OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:04-CV-140

Before REAVLEY, JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed. The magistrate judge explained fully why the finding of the administrative law judge has to be upheld. Claimant now points to notes on the Dallas VA Medical Center assessment saying that he suffered from depression and post traumatic stress disorder, and he says that he is entitled to a further review to take that under consideration. This is said not to be a new development,

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and the mere notes would not warrant a decision that there is a reasonable possibility that the Commissioner of the Social Security Administration would determine the claimant's disability differently. See Johnson v. Heckler, 767 F.2d 180, 183 (5th Cir. 1985).

AFFIRMED.