

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 98-50038
Summary Calendar

ROGELIO ROSAS, JR.,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
(SA-97-CV-402)

October 2, 1998

Before POLITZ, Chief Judge, JOLLY and BENAVIDES, Circuit Judges.

PER CURIAM:*

Rogelio M. Rosas, Jr., appeals the dismissal of his complaint for judicial review of the decision of the Commissioner of Social Security which denied his claim for Supplemental Security Income benefits. Rosas contends that the Administrative Law Judge erred in determining that his medical condition does not significantly interfere with his daily activities. He further contends that the ALJ posed an inadequate hypothetical question to the vocational expert. Rosas did not

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

raise these issues in objections to the magistrate judge's recommendation and the district court did not engage in a *de novo* review. We must, therefore, review these contentions for plain error.¹

Our review of the record and the briefs of the parties discloses no error, plain or otherwise, and for essentially the reasons relied upon by the district court we now AFFIRM.²

¹ **Douglass v. United Servs. Auto. Ass'n**, 79 F.3d 1415 (5th Cir. 1996) (en banc).

² **Rosas v. Callahan**, No. SA-97-CA-0402 (W.D.Tex. October 14, 1997 and November 24, 1997).