

November 30, 2006

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 06-20283
Summary Calendar

CIPRIANO YANEZ,

Plaintiff - Appellant,

v.

JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

Appeal from the United States District Court
for the Southern District of Texas, Houston Division
USDC No. 4:04-CV-4604

Before DeMOSS, STEWART and PRADO, Circuit Judges.

PER CURIAM:*

Cipriano Yanez ("Yanez") filed a claim under the Social Security Act for Supplemental Security Income ("SSI"). An Administrative Law Judge ("ALJ") denied Yanez's claim and the Appeals Council affirmed the decision of the ALJ. Treating the decision of the Appeals Council as the final decision of the Commissioner of Social Security, Yanez filed suit in the district court for the Southern District of Texas seeking judicial review

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of the Commissioner's decision. Yanez and the Commissioner filed cross motions for summary judgment, and the matter was referred to a Magistrate Judge for report and recommendation. The Magistrate Judge recommended that Yanez's motion for summary judgment be denied, and the Commissioner's motion for summary judgment be granted. The district court adopted the Magistrate Judge's recommendation and entered final judgment dismissing Yanez's action. Yanez appeals to this Court.

Our review is limited to determining (1) whether there is substantial evidence in the record as a whole to support the Commissioner's decision, and (2) whether the Commissioner's decision comports with relevant legal standards. *Jones v. Apfel*, 174 F.3d 692, 693 (5th Cir. 1999). We have carefully reviewed the briefs, the record excerpts, and relevant portions of the record itself. For the reasons stated in the Magistrate Judge's Memorandum and Recommendation, as adopted by the district court, we affirm the decision of the district court to enter final judgment against Yanez.

AFFIRMED.