

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

FILED

February 27, 2007

Charles R. Fulbruge III
Clerk

No. 06-30877
Summary Calendar

GERALD WAYNE ZILLS,

Plaintiff - Appellant,

v.

JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

Appeal from the United States District Court
for the Western District of Louisiana, Shreveport
USDC No. 5:05-CV-452

Before DeMOSS, STEWART and PRADO, Circuit Judges.

PER CURIAM:*

Gerald Wayne Zills filed a claim under the Social Security Act for Disability Insurance Benefits and Supplemental Security Income. The Administrative Law Judge ("ALJ") denied Zills'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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Security, Zills filed suit in the district court for the Western District of Louisiana seeking judicial review of the Commissioner's decision. Specifically, Zills argues that the ALJ erred by defining "moderate" mental limitations for the vocational expert in a way that implies that one with such limitation can still perform the task satisfactorily. The case was referred to a Magistrate Judge who reviewed the record and briefs submitted by both parties. The Magistrate Judge affirmed the Commissioner's decision to deny benefits. After considering and denying Zills' motion to alter or amend the judgment, the Magistrate Judge entered final judgment denying any relief to Zills. Zills 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, record excerpts, and relevant portions of the record itself. For the reasons stated in the Magistrate Judge's Memorandum Ruling, we affirm the decision of the district court to enter final judgment against Zills.

AFFIRMED.