

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-1251
Summary Calendar

DELLA S. PENN,

Plaintiff-Appellant,

VERSUS

DONNA SHALALA, Secretary
of Health and Human Services,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(5:92-CV-138-C)

(March 25, 1994)

Before DAVIS, JONES and DUHÉ, Circuit Judges.

PER CURIAM:¹

Della S. Penn, a 42-year old high school graduate, appeals the district court's order affirming the Secretary's decision to reject Penn's application for social security disability insurance benefits. The district court found that the Secretary produced substantial evidence supporting the denial of benefits under the fifth step of the familiar five-step analysis to be used in determining whether a claimant is disabled. Stated differently,

¹ Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

the district court affirmed the Secretary's determination that Penn, while being unable to return to her past relevant work, is able to do sedentary jobs existing in significant numbers in the national economy. The only significant issue presented on appeal is whether this conclusion by the Secretary is supported by substantial evidence.

The December 22, 1992 report, findings, conclusions and recommendation of the magistrate which was adopted by the district court made a careful analysis of the medical evidence presented to the Secretary. We have no reason to summarize once more the medical evidence in this record. For essentially the reasons stated by the magistrate in its December 22, 1992 report and recommendation, we agree that the Secretary's conclusion that the claimant is not disabled under Step 5 is supported by substantial evidence. The judgment of the district court is therefore affirmed.

AFFIRMED.