

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-60656  
Summary Calendar

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ALLAN PLOTKIN,

Plaintiff-Appellant,

versus

SHIRLEY S. CHATER,  
Commissioner of Social Security,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:94-CV-553-WS  
- - - - -

May 6, 1996

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Allan Plotkin appeals the judgment upholding the final decision of the Commissioner of Social Security denying a period of disability and disability-insurance benefits. The ALJ did not err by determining that Plotkin's depression and headaches were not severe limitations, and the ALJ applied the correct legal standard to determine the severity of these limitations. See Anthony v. Sullivan, 954 F.2d 289, 293 (5th Cir. 1992). The ALJ

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

did not err by not considering Plotkin's testimony regarding his impairments, pain, and limitations to be credible. See id. at 296. There was substantial evidence to support the ALJ's determinations, and the ALJ did not err as a matter of law. See Fraga v. Bowen, 810 F.2d 1296, 1302 (5th Cir. 1987).

To the extent that Plotkin argues that: 1) the ALJ erred in his findings regarding Plotkin's respiratory impairment; 2) the ALJ did not consider additional medical evidence; 3) the vocational expert improperly characterized Plotkin's former employment as light, skilled work, instead of medium, skilled work; and 4) the ALJ failed in his responsibility to develop the record after Plotkin's good-faith effort to retrieve treatment records for the relevant period of disability, these issues were only mentioned, and not properly argued in Plotkin's initial brief. Plotkin argued the majority of these issues in his reply brief. This court will not consider these issues. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993) (an appellant must brief issues in initial brief to preserve them for appeal and cannot raise them for the first time in a reply brief).

AFFIRMED.