

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40928
Summary Calendar

KIM BAILEY,

Plaintiff-Appellant,

versus

JOHN J. CALLAHAN,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:95-CV-6
- - - - -

May 13, 1997

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Kim Bailey appeals from a decision of the Commissioner of Social Security denying her claim for disability insurance benefits. She contends that the Commissioner's decision that she was not disabled was not supported by substantial evidence. Bailey also argues that, in determining whether she could perform sedentary work, the Commissioner improperly used only the Medical-Vocational Guidelines instead of soliciting testimony

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

from a vocational expert. Finally, Bailey argues that the district court erred by failing to remand the case to the Commissioner for further findings based upon new and material medical evidence. We AFFIRM for essentially the reasons set forth by the magistrate judge and adopted by the district court. See Bailey v. Commissioner, No. 4:95-CV-6 (E.D. Tex. June 4, 1996). Bailey's motion to waive oral argument is DENIED as unnecessary.

JUDGMENT AFFIRMED; MOTION DENIED.