

September 18, 2003

Charles R. Fulbruge III
Clerk

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 02-20525
Summary Calendar

GEORGE DONNER,

Plaintiff-Appellant,

versus

JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CV-738

Before SMITH, DEMOSS and STEWART, Circuit Judges.

PER CURIAM:*

George Donner, on behalf of the estate of Dorothy E. Donner (“Donner”), appeals the district court’s grant of summary judgment in favor of the Social Security Commissioner regarding the denial of her application for disability benefits. Donner makes the following arguments: (1) her impairments satisfied the requirements of 20 C.F.R. Part 404, Subpt. P. App. 1, 12.06(A)&(B)(anxiety related disorders), (2) the administrative law judge’s (“ALJ”) determination that she could perform prior

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

work as a vending machine attendant was not supported by substantial evidence, and (3) the ALJ failed to determine whether she could maintain employment for a significant period of time.

Donner failed to file objections to the magistrate judge's report and recommendation, which determined that the ALJ properly found that Donner could perform past relevant work and that the ALJ's decision was supported by substantial evidence. Accordingly, Donner's appeal of the district court's decision adopting the magistrate judge's findings and conclusions is reviewed for plain error. See Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996)(en banc); Rodriguez v. Bowen, 857 F.2d 275, 277 (5th Cir. 1988).

After reviewing the record and both parties' appellate arguments, we find no such error.

AFFIRMED.