

January 26, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-10556
Summary Calendar

RICKY A. GRAHAM,

Plaintiff-Appellant,

versus

JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(2:01-CV-51)

Before WIENER, BENAVIDES, AND STEWART, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Ricky A. Graham appeals the district court's judgment affirming the Social Security Commissioner's decision to deny disability benefits. He argues that the determination by the Administrative Law Judge (ALJ) that he did not meet or equal the criteria of any impairments listed in Appendix 1, 20 C.F.R. Part 404 was not supported by substantial evidence. Graham contends that he met the requirements for establishing the affective disorder of depression under 20 C.F.R. Pt. 404, Subpt. P,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

App. 1, § 12.04. We have reviewed the record and the parties' briefs and conclude that ALJ's determination that Graham's depression did not meet or equal the criteria of any impairments listed in Appendix 1, 20 C.F.R. Part 404 is supported by substantial evidence. See Anthony v. Sullivan, 954 F.2d 289, 292 (5th Cir. 1992); Villa v. Sullivan, 895 F.2d 1019, 1021-22 (5th Cir. 1990). The ALJ was not required to give precedence to subjective evidence over objective evidence which showed that Graham's depression was not disabling. Anthony, 954 F.2d at 295-96. Further, no doctor testified that Graham was disabled as a result of his alleged depression. Vaughan v. Shalala, 58 F.3d 129, 131 (5th Cir. 1995).

Moreover, Graham's testimony regarding his daily activities was inconsistent with his claimed limitations. Reyes v. Sullivan, 915 F.2d 151, 154-155 (5th Cir. 1990). Finally, medical records showed that Graham was prescribed Wellbutrin and that he was responding well to the medication. See Johnson v. Bowen, 864 F.2d 340, 348 (5th Cir. 1988). The judgment of the district court is AFFIRMED.