

February 15, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-11093
Summary Calendar

SALLIE M. GILBERT,

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
(USDC No. 4:03-CV-1247)

Before REAVLEY, JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

We affirm the decision of the district court for the following reasons:

1. Substantial evidence in the record supports the Commissioner's

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

determination that Gilbert's work as a seamstress was substantial gainful activity. 20 C.F.R. §§ 404.1572, 416.972 (2004); *Leggett v. Chater*, 67 F.3d 558, 564 (5th Cir. 1995).

2. Substantial evidence in the record supports the Commissioner's assessment of Gilbert's residual functional capacity. 20 C.F.R. §§ 404.1545(a)(1); 20 C.F.R. §§ 404.1545(a)(1) (2004); *Leggett*, 67 F.3d at 564.

AFFIRMED.