

November 18, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-40584
Summary Calendar

TRAVON M. JULY,

Plaintiff-Appellant,

versus

JO ANNE B. BARNHART, COMMISSIONER
OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court for
the Eastern District of Texas
(USDC No. 9:02-CV-322-RHC)

Before REAVLEY, BARKSDALE and GARZA, Circuit Judges.

PER CURIAM:*

We affirm the district court for the following reasons:

1. The ALJ's determination that appellant is not disabled, reached under

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

correct legal standards, is supported by substantial evidence. *Carey v. Apfel*, 230 F.3d 131, 135 (5th Cir. 2000). Appellant has failed to rebut the Commissioner's evidence that he is capable of performing work existing in significant numbers in the national economy. *Selders v. Sullivan*, 914 F.2d 614, 618 (5th Cir. 1990).

2. Appellant has not established that, due to his attorney's or the ALJ's failure to develop the record, he suffered prejudice. *Ripley v. Chater*. 67 F.3d 552, 557 (5th Cir. 1995).

AFFIRMED.