

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 94-30692
Summary Calendar

ANTHONY SMITH,

Plaintiff-Appellant,

VERSUS

DONNA E. SHALALA, Secretary of Health and Human Services,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
(CA-93-4043-F)

(May 29, 1995)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:¹

Smith appeals the Secretary's denial of his application for disability insurance benefits and supplemental security income. He contends that the ALJ erred in three areas:

- 1) Discrediting Smith's subjective complaints of pain;
- 2) Relying on Dr. Hoerner's evaluation rather than the evaluation by Dr. Hamsa, the treating physician;
- 3) Relying on the Medical-Vocational guidelines.

¹ Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

He also claims that the district court erred by employing the incorrect standard of review.

Our careful review of the record and the briefs leaves us firmly convinced that substantial evidence supports the Secretary's decision that Smith is not disabled and that the proper legal standards were applied by the ALJ and by the district court.

AFFIRMED.