

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50928  
Summary Calendar

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JAMES L. LAMBERTH,

Plaintiff-Appellant,

versus

KENNETH S. APFEL,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-94-CV-796  
- - - - -

March 2, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:\*

James Lamberth appeals from the magistrate judge's judgment affirming the denial of his application for supplemental security income. He argues that substantial evidence did not exist to support the finding that he was not disabled. He further argues that the Magistrate Judge erred in not remanding his claim to the Administration in light of new evidence he submitted.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Substantial evidence existed to support the finding that Lamberth was not disabled. See Ripley v. Chater, 67 F.3d 552, 555 (5th Cir. 1995); Moore v. Sullivan, 919 F.2d 901, 905 (5th Cir. 1990). The magistrate judge did not err in not remanding Lamberth's claim because it has not been shown that there is a reasonable possibility that the outcome might have been different had the new evidence been before the Commissioner. See Latham v. Shalala, 36 F.3d 482, 483 (5th Cir. 1994).

AFFIRMED.