

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-2359

DONALD SMITH,

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 West Virginia, at Clarksburg. Robert E. Maxwell,
Senior District Judge. (CA-04-54-2-REM)

Submitted: April 24, 2006

Decided: May 16, 2006

Before MOTZ, TRAXLER, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Donald Smith, Appellant Pro Se. Robert Drum, SOCIAL SECURITY
ADMINISTRATION, Philadelphia, Pennsylvania; Helen Campbell
Altmeyer, OFFICE OF THE UNITED STATES ATTORNEY, Wheeling, West
Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Donald A. Smith appeals the district court's order adopting the report and recommendation of the magistrate judge, granting summary judgment to the Commissioner, and thus affirming the Commissioner's denial of disability insurance benefits and supplemental security income. We must uphold the decision to deny benefits if the decision is supported by substantial evidence and the correct law was applied. See 42 U.S.C. § 405(g) (2000); Craig v. Chater, 76 F.3d 585, 589 (4th Cir. 1996). We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Smith v. Barnhart, No. CA-04-54-2-REM (N.D. W. Va. Sept. 30, 2004). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED