

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

NOV 21 2002

PATRICK FISHER
Clerk

ROBERT L. JERNIGAN,

Plaintiff - Appellant,

v.

JO ANNE B. BARNHART,
Commissioner, Social Security
Administration,

Defendant - Appellee.

No. 02-7002
D.C. No. 01-CV-15-S
(E.D. Oklahoma)

ORDER AND JUDGMENT *

Before **O'BRIEN** and **PORFILIO**, Circuit Judges, and **KANE**,** Senior District Judge.

After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

** The Honorable John L. Kane, Senior District Judge, United States District Court for the District of Colorado, sitting by designation.

Appellant Robert Jernigan challenges the decision of the administrative law judge (ALJ) denying him Social Security disability benefits. On appeal, Mr. Jernigan argues that the ALJ erred in (1) concluding that Mr. Jernigan's mental impairments were not severe; (2) concluding that Mr. Jernigan's impairments did not meet any of the listed impairments; and (3) negatively assessing Mr. Jernigan's credibility and therefore discounting his testimony regarding his limitations.

We review the decision of the Commissioner—here expressed as the ruling of the ALJ—to determine if it is supported by substantial evidence and based on correct legal standards. *Hinkle v. Apfel*, 132 F.3d 1349, 1351 (10th Cir. 1997).

Having carefully reviewed the record and the parties' arguments, and having applied the standard noted above, we conclude that the ALJ's decision is supported by substantial evidence. Accordingly, the judgment of the United States District Court for the Eastern District of Oklahoma is AFFIRMED for substantially the reasons stated in the magistrate judge's order of October 26, 2001.

Entered for the Court

John C. Porfilio
Circuit Judge