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United States Court of Appeals For the First Circuit

No. 04-1131

VICTOR GOMEZ-FLECHA,

Plaintiff, Appellant,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

[Hon. Justo Arenas, U.S. Magistrate Judge]

Before

Boudin, Chief Judge,
Lipez and Howard, Circuit Judges.

Melba N. Rivera-Camacho on brief for appellant.
Robert M. Peckrill, Assistant Regional Counsel, Social
Security Administration, H.S. Garcia, United States Attorney, and
Lisa E. Bhatia, Assistant United States Attorney, on brief for
appellee.

October 14, 2004

Per Curiam. After carefully considering the briefs and record on appeal, we affirm for substantially the reasons stated by the magistrate judge.

Despite his obesity, substantial evidence supported the determination that the appellant was not disabled. Irlanda Ortiz v. Sec'y. of Health and Human Serv., 955 F.2d 765 (1st Cir. 1991). The appellant does not establish that the ALJ failed to apply the proper standard in evaluating his pain. Avery v. Sec'y. of Health and Human Serv., 797 F.2d 19 (1st Cir 1986). The appellant's other arguments are equally unavailing.

Affirmed. 1st Circ. Rule 27(c).