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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GARY MEYER, Sr.,

Plaintiff-Appellant,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant-Appellee.

No. 21-35727

D.C. No. 3:20-cv-05381-MLP

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Michelle L. Peterson, Magistrate Judge, Presiding

Submitted November 7, 2022**
Seattle, Washington

Before: IKUTA and COLLINS, Circuit Judges, and FITZWATER,** District Judge.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Sidney A. Fitzwater, United States District Judge for the Northern District of Texas, sitting by designation.

Gary Meyer, Sr. (“Meyer”) appeals the district court’s affirmance of the Commissioner of Social Security’s denial of his application for disability insurance benefits under Title II of the Social Security Act. We review the underlying decision of the administrative law judge (“ALJ”) only for legal error or lack of substantial evidence. *Lambert v. Saul*, 980 F.3d 1266, 1270 (9th Cir. 2020). We affirm.

Because Meyer’s claim for benefits was filed before March 27, 2017, the Social Security regulations and standards as propounded prior to the 2017 amendments apply to this case. *See* 20 C.F.R. § 404.1527.

1. The ALJ’s decision to assign low weight to the opinion of Dr. Robert Barchiesi and substantial or great weight to the opinions of Drs. Derek Leinenbach, J.D. Fitterer, and James Irwin is supported by substantial evidence. And the ALJ offered specific and legitimate reasons for making the respective weight determinations when he compared the physicians’ conclusions with their clinical findings and other evidence in the record, including Meyer’s reported activities. *Garrison v. Colvin*, 759 F.3d 995, 1012 (9th Cir. 2014) (“An ALJ can satisfy the ‘substantial evidence’ requirement by ‘setting out a detailed and thorough summary of the facts and conflicting clinical evidence, stating his interpretation thereof, and making findings.’” (quoting *Reddick v. Chater*, 157 F.3d 715, 725 (9th Cir. 1998))); *see also Ford v. Saul*, 950 F.3d 1141, 1155 (9th Cir. 2020) (“A conflict between a

treating physician's opinion and a claimant's activity level is a specific and legitimate reason for rejecting the opinion.”).

2. Substantial evidence supports the ALJ's decision to assign low weight to Meyer's testimony. The ALJ discussed in detail several inconsistencies between that testimony and the record before the Commissioner, including the medical evidence presented to the Commissioner, Meyer's reported activities, and the lack of medical evidence supporting Meyer's stated need for a cane to balance. *Light v. Soc. Sec. Admin.*, 119 F.3d 789, 792 (9th Cir. 1997); *Parra v. Astrue*, 481 F.3d 742, 750–51 (9th Cir. 2007).

AFFIRMED.