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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 SIOBHAN HAGINS,) Case No. CV 13-7164-JPR
11)
12 Plaintiff,)
13 vs.) **MEMORANDUM OPINION AND ORDER**
14) **AFFIRMING COMMISSIONER**
15)
16 CAROLYN W. COLVIN, Acting)
Commissioner of Social)
Security,)
Defendant.)
_____)

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18 **I. PROCEEDINGS**

19 Plaintiff seeks review of the Commissioner's final decision
20 denying her application for supplemental security income ("SSI").
21 The parties consented to the jurisdiction of the undersigned U.S.
22 Magistrate Judge under 28 U.S.C. § 636(c). This matter is before
23 the Court on the parties' Joint Stipulation, filed June 23, 2014,
24 which the Court has taken under submission without oral argument.
25 For the reasons stated below, the Commissioner's decision is
26 affirmed and judgment is entered in her favor.
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1 **II. BACKGROUND**

2 Plaintiff was born on July 11, 1959. (Administrative Record
3 ("AR") 182.) She has a bachelor's degree from the University of
4 Southern California (AR 68-69, 221), and she has worked as a
5 sales clerk and a secretary (AR 223).

6 On April 30, 2007, Plaintiff filed an application for SSI,
7 which she amended on June 15.¹ (AR 87, 182-85, 190-91.)
8 Plaintiff alleged she had been unable to work since December 1,
9 2006, because of depression, suicidal ideation, anxiety,
10 seizures, and irritable bowel syndrome. (AR 190, 216.) After
11 her application was denied, she requested a hearing before an
12 Administrative Law Judge. (AR 112.) A hearing was held on May
13 14, 2008, at which Plaintiff, who was represented by counsel,
14 testified, as did a vocational expert. (AR 55-86.) In a written
15 decision issued August 12, 2008, the ALJ determined that
16 Plaintiff was not disabled. (AR 94-98.) On April 16, 2010, the
17 Appeals Council granted Plaintiff's request for review, vacated
18 the ALJ's decision, and remanded the case for further
19 consideration of a treating physician's opinions and Plaintiff's
20 credibility. (AR 99-102.)

21 On August 26, 2010, a second hearing was held before the
22 same ALJ, at which Plaintiff, who was represented by counsel,
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24 ¹Plaintiff apparently also filed an application for DIB on
25 June 15, 2007. (See AR 192-93.) The ALJ, however, addressed
26 only Plaintiff's application for SSI (see AR 25, 94, 98), and on
27 appeal Plaintiff contends only that she is entitled to SSI (see,
28 e.g., J. Stip. at 2 (noting that Plaintiff applied for SSI and
not stating that she applied for DIB), 17 & n.1 (asserting that
Plaintiff is entitled to closed period of SSI benefits)).

1 testified. (AR 27-35.) At the hearing, Plaintiff's counsel
2 notified the ALJ that Plaintiff was working more hours than
3 before and amended her application to allege a closed period of
4 disability ending on June 1, 2009. (AR 29.) In a written
5 decision issued September 17, 2010, the ALJ again found Plaintiff
6 not disabled during the relevant time period. (AR 20-25.) In
7 doing so, the ALJ explicitly "incorporate[d] by reference [his]
8 prior decision." (AR 23.) On April 3, 2012, the Appeals Council
9 denied Plaintiff's request for review. (AR 10-14.) This action
10 followed.

11 **III. STANDARD OF REVIEW**

12 Under 42 U.S.C. § 405(g), a district court may review the
13 Commissioner's decision to deny benefits. The ALJ's findings and
14 decision should be upheld if they are free of legal error and
15 supported by substantial evidence based on the record as a whole.
16 Id.; Richardson v. Perales, 402 U.S. 389, 401 (1971); Parra v.
17 Astrue, 481 F.3d 742, 746 (9th Cir. 2007). Substantial evidence
18 means such evidence as a reasonable person might accept as
19 adequate to support a conclusion. Richardson, 402 U.S. at 401;
20 Lingenfelter v. Astrue, 504 F.3d 1028, 1035 (9th Cir. 2007). It
21 is more than a scintilla but less than a preponderance.
22 Lingenfelter, 504 F.3d at 1035 (citing Robbins v. Soc. Sec.
23 Admin., 466 F.3d 880, 882 (9th Cir. 2006)). To determine whether
24 substantial evidence supports a finding, the reviewing court
25 "must review the administrative record as a whole, weighing both
26 the evidence that supports and the evidence that detracts from
27 the Commissioner's conclusion." Reddick v. Chater, 157 F.3d 715,
28 720 (9th Cir. 1996). "If the evidence can reasonably support

1 either affirming or reversing," the reviewing court "may not
2 substitute its judgment" for that of the Commissioner. Id. at
3 720-21.

4 **IV. THE EVALUATION OF DISABILITY**

5 People are "disabled" for purposes of receiving Social
6 Security benefits if they are unable to engage in any substantial
7 gainful activity owing to a physical or mental impairment that is
8 expected to result in death or which has lasted, or is expected
9 to last, for a continuous period of at least 12 months. 42
10 U.S.C. § 423(d)(1)(A); Drouin v. Sullivan, 966 F.2d 1255, 1257
11 (9th Cir. 1992).

12 A. The Five-Step Evaluation Process

13 An ALJ follows a five-step sequential evaluation process to
14 assess whether someone is disabled. 20 C.F.R. § 416.920(a)(4);
15 Lester v. Chater, 81 F.3d 821, 828 n.5 (9th Cir. 1995) (as
16 amended Apr. 9, 1996). In the first step, the Commissioner must
17 determine whether the claimant is currently engaged in
18 substantial gainful activity; if so, the claimant is not disabled
19 and the claim must be denied. § 416.920(a)(4)(i). If the
20 claimant is not engaged in substantial gainful activity, the
21 second step requires the Commissioner to determine whether the
22 claimant has a "severe" impairment or combination of impairments
23 significantly limiting her ability to do basic work activities;
24 if not, a finding of not disabled is made and the claim must be
25 denied. § 416.920(a)(4)(ii). If the claimant has a "severe"
26 impairment or combination of impairments, the third step requires
27 the Commissioner to determine whether the impairment or
28 combination of impairments meets or equals an impairment in the

1 Listing of Impairments ("Listing") set forth at 20 C.F.R., Part
2 404, Subpart P, Appendix 1; if so, disability is conclusively
3 presumed and benefits are awarded. § 416.920(a)(4)(iii).

4 If the claimant's impairment or combination of impairments
5 does not meet or equal one in the Listing, the fourth step
6 requires the Commissioner to determine whether the claimant has
7 sufficient residual functional capacity ("RFC")² to perform her
8 past work; if so, she is not disabled and the claim must be
9 denied. § 416.920(a)(4)(iv). The claimant has the burden of
10 proving she is unable to perform past relevant work. Drouin, 966
11 F.2d at 1257. If the claimant meets that burden, a prima facie
12 case of disability is established. Id. If that happens or if
13 the claimant has no past relevant work, the Commissioner bears
14 the burden of establishing that the claimant is not disabled
15 because she can perform other substantial gainful work available
16 in the national economy. § 416.920(a)(4)(v). That determination
17 comprises the fifth and final step in the sequential analysis.
18 § 416.920; Lester, 81 F.3d at 828 n.5; Drouin, 966 F.2d at 1257.

19 B. The ALJ's Application of the Five-Step Process

20 At step one, the ALJ found that Plaintiff had not engaged in
21 substantial gainful activity from April 30, 2007, her application
22 date, to June 1, 2009, when she returned to work full time.³ (AR
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24 ²RFC is what a claimant can do despite existing exertional
25 and nonexertional limitations. § 416.945; see Cooper v.
Sullivan, 880 F.2d 1152, 1155 n.5 (9th Cir. 1989).

26 ³The ALJ assessed whether Plaintiff had been under a
27 disability on or after her application date rather than her
28 alleged onset date. (AR 22.) Plaintiff has not challenged the
ALJ's use of the application date. (See J. Stip. at 17 & n.1.)

22.) At step two, he found that Plaintiff had the severe impairments of "bipolar Type I disorder" and "methamphetamine dependence, current sobriety." (Id.)

At step three, he determined that Plaintiff's impairments did not meet or equal any of the impairments in the Listing. (Id.) At step four, the ALJ found that Plaintiff had the RFC to perform "a full range of work at all exertional levels but with the following nonexertional limitations: [s]he has no restriction of activities of daily living[;] moderate difficulties in maintaining social functioning[; and] moderate difficulties in maintaining concentration, persistence or pace with no episodes of decompensation." (AR 23-24.) The ALJ noted that "[a]ccordingly, she can perform basic unskilled work." (AR 24.) He then concluded that under the Medical-Vocational Rules, see 20 C.F.R. pt. 404, subpt. P, app. 2, Plaintiff was not disabled. (AR 25.)

V. DISCUSSION

Plaintiff contends that the ALJ erred by failing to provide any reasons for discounting her credibility in his September 2010 decision. (J. Stip. at 4, 7.) For the reasons discussed below, reversal is not warranted on this basis.

A. Applicable Law

An ALJ's assessment of symptom severity and claimant credibility is entitled to "great weight." See Weetman v.

Indeed, the ALJ's use of the application date could not have prejudiced Plaintiff because the earliest month she could have received SSI benefits was the month following the month in which she filed her application. See § 416.335.

1 Sullivan, 877 F.2d 20, 22 (9th Cir. 1989); Nyman v. Heckler, 779
2 F.2d 528, 531 (9th Cir. 1986). "[T]he ALJ is not required to
3 believe every allegation of disabling pain, or else disability
4 benefits would be available for the asking, a result plainly
5 contrary to 42 U.S.C. § 423(d)(5)(A)." Molina v. Astrue, 674
6 F.3d 1104, 1112 (9th Cir. 2012) (internal quotation marks
7 omitted). In evaluating a claimant's subjective symptom
8 testimony, the ALJ engages in a two-step analysis. See
9 Lingenfelter, 504 F.3d at 1035-36. "First, the ALJ must
10 determine whether the claimant has presented objective medical
11 evidence of an underlying impairment [that] could reasonably be
12 expected to produce the pain or other symptoms alleged." Id. at
13 1036 (internal quotation marks omitted). If such objective
14 medical evidence exists, the ALJ may not reject a claimant's
15 testimony "simply because there is no showing that the impairment
16 can reasonably produce the *degree* of symptom alleged." Smolen v.
17 Chater, 80 F.3d 1273, 1282 (9th Cir. 1996) (emphasis in
18 original). When the ALJ finds a claimant's subjective complaints
19 not credible, the ALJ must make specific findings that support
20 the conclusion. See Berry v. Astrue, 622 F.3d 1228, 1234 (9th
21 Cir. 2010).

22 Absent a finding or affirmative evidence of malingering, the
23 ALJ must provide "clear and convincing" reasons for rejecting the
24 claimant's testimony. Lester, 81 F.3d at 834.⁴ If the ALJ's

26 ⁴In Ghanim v. Colvin, the Ninth Circuit noted that its
27 precedent was inconsistent on whether the "clear and convincing"
28 standard does not apply only when an ALJ makes an "actual finding
of malingering" or also when the record merely contains "evidence
of malingering." 763 F.3d 1154, 1163 n.9 (9th Cir. 2014). The

1 credibility finding is supported by substantial evidence in the
2 record, the reviewing court "may not engage in second-guessing."
3 Thomas v. Barnhart, 278 F.3d 947, 959 (9th Cir. 2002).

4 B. Analysis

5 Plaintiff acknowledges that the ALJ's August 2008 decision
6 listed several bases for discrediting her (J. Stip. at 4-5), but
7 she argues that because the Appeals Council "vacated" that
8 decision, "[a]ny argument that the prior analysis should be
9 incorporated by reference" into the September 2010 decision is
10 "flawed" (id. at 5, 7). Plaintiff further contends that the
11 ALJ's September 2010 decision provided "no further analysis"
12 regarding her credibility and instead cited only "boilerplate"
13 and "canned verbiage" without giving any specific reasons for
14 discrediting her. (Id. at 5, 15.) Plaintiff argues that the
15 ALJ's decision therefore must be reversed because he "failed to
16 provide any [reasons], let alone clear and convincing reasons,"
17 for discounting her credibility. (Id. at 7.)

18 Plaintiff's argument fails. In the September 2010 decision,
19 the ALJ specifically stated that he was "incorporat[ing] by
20 reference" his "prior decision," which necessarily included his
21 previous assessment of Plaintiff's credibility. (AR 23.) And
22 although Plaintiff generally asserts that such incorporation is
23 somehow "flawed" (J. Stip. at 7), she cites no authority for that
24 proposition, and in fact courts have found that an ALJ may
25 properly incorporate an earlier decision into a later one, see,
26 e.g., Chavez v. Astrue, 699 F. Supp. 2d 1125, 1137 n.9 (C.D. Cal.
27 _____
28 Ninth Circuit declined to decide the issue, however. Id.

1 2009) (finding that "ALJ incorporated by reference his prior
2 decision of December 21, 2004, . . . and such incorporation is
3 permissible"). As discussed below, moreover, in the August 2008
4 decision the ALJ provided legally sufficient reasons for
5 discounting Plaintiff's subjective complaints to the extent they
6 were inconsistent with her RFC.⁵ Indeed, Plaintiff has not
7 challenged any of those specific credibility findings.

8 In a disability report, Plaintiff alleged that she was
9 totally disabled because of her depression, suicidal ideation,
10 anxiety, seizures, and irritable bowel syndrome. (AR 216.) The
11 ALJ found that her seizures and irritable bowel syndrome were
12 nonsevere (AR 22), findings that Plaintiff does not challenge.
13 Regarding her mental impairments, Plaintiff stated that she was
14 unable to work because she could not "concentrate or focus."
15 (Id.) In a function report, Plaintiff asserted that she could
16 pay attention for only five to 10 minutes but could "follow
17 written instructions well." (AR 248.) At the May 2008 hearing,
18 she testified that she was working 10 to 12 hours a week but
19 could not work more because she had "a problem with patience and
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21 ⁵Plaintiff states that the ALJ failed to follow the Appeal
22 Council's directive to reevaluate her credibility, but she also
23 acknowledges that the Court determines only whether the ALJ's
24 decision is supported by substantial evidence and free of legal
25 error, not whether he complied with the council's remand order.
26 (J. Stip. at 6); see Stoddard v. Astrue, No. EDCV 08-00994 AJW,
27 2009 WL 2030349, at *6 (C.D. Cal. July 8, 2009) (finding that
28 "[t]he issues before the court are whether the ALJ's final
decision is supported by substantial evidence and is free of
legal error, not whether the ALJ complied with the Appeals
Council's remand order" (citation omitted)). In any event, the
Appeals Council denied Plaintiff's request for further review (AR
10-15), suggesting that it was satisfied that the ALJ complied
with its earlier remand order.

1 irritability," "some days [her] thought[s] raced a lot," and she
2 had "difficulty concentrating and sitting still and staying on
3 task." (AR 72.) Plaintiff testified that she had panic attacks
4 "almost daily" (AR 74) and that she had suffered from "psychotic
5 breaks" resulting in hospitalization (AR 75).⁶ She did not
6 testify to any physical limitations.

7 As the ALJ found, Plaintiff's daily activities were

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9 ⁶Specifically, Plaintiff testified that she was admitted to
10 Harbor-UCLA Medical Center twice in the fall of 2007 "under a 72
11 hour psych hold" and that drug tests during those
12 hospitalizations were "clean." (AR 75.) The record does not
13 contain medical notes from a hospitalization at Harbor-UCLA
14 Medical Center in fall 2007. (See AR 320-79.) In July 2007,
15 however, Plaintiff's physician noted that Plaintiff had been
16 hospitalized for one night during a "manic episode," which may
17 have been precipitated by her psychiatric medication. (AR 448.)
18 She noted that Plaintiff denied drug use at that time, and a
19 urine toxicology screen was negative. (Id.; see also AR 478
20 (physician's Dec. 2007 letter stating that in July 2007,
21 Plaintiff "presented to Harbor PER floridly manic [with]
22 psychotic symptoms" and had negative urine toxicology screen).)
23 Her symptoms had showed "dramatic improvement" with psychiatric
24 medications. (AR 448.) Records from Harbor-UCLA Medical Center
25 do show that Plaintiff was hospitalized there in June 2003 (AR
26 322-27), at which time a toxicology screen was positive for
27 opiates (AR 354); August 2005, at which time she admitted to
28 using marijuana three or four times a day and recent use of
Vicodin and alcohol (AR 347-51); November 2005, at which time she
admitted to alcohol and marijuana use (AR 344) and tested
positive for cocaine and marijuana (AR 345); June 2006, at which
time she "admit[ted] to drug use" (AR 335) and tested positive
for amphetamines and marijuana (AR 336, 372); and August 2006, at
which time she was noted to be using amphetamines, alcohol, and
possibly marijuana (AR 329) and tested positive for amphetamines
and cannabinoids (AR 371). In December 2005, moreover, Plaintiff
voluntarily checked into Harbor-UCLA and asked for help with
"detox" and "getting into rehab." (AR 339-41.) The record also
showed that Plaintiff was admitted to Del Amo Hospital in
December 2006 for treatment of psychosis, "likely drug induced";
she denied using methamphetamine but "a urine tox screen . . .
return[ed] positive for both THC and methamphetamine
metabolites." (AR 304.)

1 inconsistent with her allegedly totally disabling mental
2 impairments. (AR 96.) Plaintiff stated in a function report
3 that she lived with her family, attended to her own personal
4 needs, watched television, read the newspaper, cooked meals, ran
5 errands, cleaned her house, did laundry, shopped in stores for
6 groceries twice a month, and took walks with her daughter (AR 96,
7 243, 245-47); she also testified at the May 2008 hearing that she
8 was working part time as a cashier at a drug store (AR 69).⁷
9 Although Plaintiff alleged that she had difficulty performing
10 some of those activities because of her mental impairments (see,
11 e.g., AR 244 (stating that she did not bathe frequently), 245
12 (stating that she had trouble finishing chores and would
13 sometimes "forget to watch the stove"), 247 (stating that she
14 "only scan[s]" the newspaper because of poor concentration)), the
15 ALJ largely accommodated those complaints by including in her RFC
16 moderate limitations in concentration and social functioning and
17 limiting her to basic unskilled work (AR 23-24, 97). In any
18 event, even considering those alleged difficulties, her daily
19 activities are still inconsistent with, for example, her alleged
20 inability to concentrate for more than even five or 10 minutes.

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23 ⁷At the May 2008 hearing, Plaintiff testified that she
24 wasn't working more hours because she was "having difficulty
25 maintaining the 10 to 12 hours a week" she was already working
26 (although she also admitted that her employer had not offered her
27 any additional hours). (AR 70.) Around that same time, however,
28 Plaintiff reported to her medical providers that she was working
20 or 25 hours a week. (AR 424 (Feb. 2008, working 20 hours a
week), 425 (Jan. 2008, working 25 hours a week).) In any event,
by June 1, 2009, Plaintiff was working enough hours that she
later amended her application to seek SSI only up to that date.
(AR 29.)

1 See Molina, 674 F.3d at 1113 ("Even where [claimant's] activities
2 suggest some difficulty functioning, they may be grounds for
3 discrediting the claimant's testimony to the extent that they
4 contradict claims of a totally debilitating impairment.").

5 The ALJ also permissibly discounted Plaintiff's subjective
6 complaints because the objective medical evidence did not support
7 them. (AR 96); see Carmickle v. Comm'r, Soc. Sec. Admin., 533
8 F.3d 1155, 1161 (9th Cir. 2008) ("Contradiction with the medical
9 record is a sufficient basis for rejecting the claimant's
10 subjective testimony."); Lingenfelter, 504 F.3d at 1040 (in
11 determining credibility, ALJ may consider "whether the alleged
12 symptoms are consistent with the medical evidence"); Burch v.
13 Barnhart, 400 F.3d 676, 681 (9th Cir. 2005) ("Although lack of
14 medical evidence cannot form the sole basis for discounting pain
15 testimony, it is a factor that the ALJ can consider in his
16 credibility analysis."). Although Plaintiff claimed to have been
17 debilitated by depression and anxiety (AR 216), the ALJ noted
18 that Plaintiff's psychiatric hospitalizations in fact appeared to
19 have been primarily for treatment of "drug-induced psychosis" (AR
20 95). For example, in December 2006, Plaintiff was hospitalized
21 for "[p]sychosis not otherwise specified, likely drug induced"; a
22 doctor noted that although Plaintiff denied having used
23 methamphetamine for the preceding three months, a "urine tox
24 screen did return positive for both THC and methamphetamine
25 metabolites." (AR 304; see also AR 306, 372.) Moreover, a June
26 2006 hospital record noted that Plaintiff "admit[ted] to drug
27 use" (AR 335) and tested positive for amphetamines and marijuana
28 (AR 336, 372), and an August 2006 record of a psychiatric

1 hospitalization noted amphetamine, alcohol, and marijuana use (AR
2 329; see also AR 331 ("likely under influence of stimulant given
3 h[istory]"), 371 (Aug. 2006 positive test for amphetamines and
4 cannabinoids)).

5 As the ALJ also noted (AR 96), Plaintiff asserted that she
6 was disabled in part because of "seizures" and irritable bowel
7 syndrome (AR 216; see also AR 277 (stating that her stomach aches
8 "can last all day" and she was "usually sick 5 days a week"), 279
9 (stating that her "worst problem" was irritable bowel syndrome)),
10 but the record contains no evidence of seizures and only rare
11 complaints of irritable bowel syndrome (see, e.g., AR 356 (July
12 2006, noting that Plaintiff complained of "persistent IBS
13 symptoms"), 370 (Oct. 1998, noting past medical history of
14 "IBS").) Plaintiff's alleged physical symptoms are also
15 inconsistent with working 12 hours a week and some of her other
16 activities. See Curry v. Sullivan, 925 F.2d 1127, 1130 (9th Cir.
17 1990) (as amended) (finding that claimant's ability to "take care
18 of her personal needs, prepare easy meals, do light housework,
19 and shop for some groceries . . . may be seen as inconsistent
20 with the presence of a condition which would preclude all work
21 activity").

22 In discounting Plaintiff's credibility, the ALJ also noted
23 that Plaintiff is a college graduate and appeared "very bright
24 and articulate." (AR 96.) The ALJ was entitled to rely on his
25 personal observations of Plaintiff as one factor in his overall
26 credibility analysis. See Orn v. Astrue, 495 F.3d 625, 639 (9th
27 Cir. 2007) (ALJ's personal observations may be used in overall
28 evaluation of credibility but cannot form "sole basis" for

1 credibility determination); SSR 96-7p, 1996 WL 374186, at *5
2 (July 2, 1996) ("[T]he adjudicator may also consider his or her
3 own recorded observations of the individual as part of the
4 overall evaluation of the credibility of the individual's
5 statements.").

6 The ALJ also noted that Plaintiff's testimony that she was
7 following a 12-step recovery program was inconsistent with her
8 testimony that she still used marijuana and alcohol occasionally.
9 (AR 95-96, see also AR 73-74 (admitting to using marijuana "maybe
10 once a month" and "minimal" use of alcohol).) Although the ALJ
11 is entitled to rely on inconsistencies in Plaintiff's testimony
12 in discounting her credibility, see Smolen, 80 F.3d at 1284, here
13 the ALJ's reasoning was not clear and convincing. Plaintiff's
14 honesty in confessing that she was not always compliant with the
15 program does not reflect adversely on her credibility. See
16 Russell v. Astrue, No. 11-CV-1656-W JMA, 2013 WL 941792, at *15
17 (S.D. Cal. Feb. 15, 2013) (finding that ALJ improperly discounted
18 credibility based on plaintiff's alcoholism when "the record
19 reflects that Plaintiff has consistently been open and honest
20 about his alcohol consumption"), accepted by 2013 WL 941790 (S.D.
21 Cal. Mar. 11, 2013); Kimbrough v. Astrue, No. 1:11-CV-01410-SKO,
22 2013 WL 268700, at *9 (E.D. Cal. Jan. 23, 2013) (finding that ALJ
23 improperly discounted credibility based on history of illegal
24 drug use when plaintiff did not make inconsistent statements
25 about past drug use). Because the ALJ provided other legally
26 sufficient reasons for discounting Plaintiff's credibility,
27 however, any error was harmless. See Carmickle, 533 F.3d 1155,
28 1162-63 (9th Cir. 2008) (ALJ's reliance on erroneous reasons for

1 adverse credibility determination harmless when substantial
2 evidence supported determination and errors did not negate its
3 validity).

4 This Court may not second-guess the ALJ's credibility
5 finding simply because the evidence may have been susceptible of
6 other interpretations more favorable to Plaintiff. See
7 Tommasetti v. Astrue, 533 F.3d 1035, 1039 (9th Cir. 2008). The
8 ALJ reasonably and properly discredited Plaintiff's testimony
9 regarding the severity of her symptoms and gave clear and
10 convincing reasons for his adverse credibility finding. Reversal
11 is therefore not warranted.

12 **VI. CONCLUSION**

13 Consistent with the foregoing, and pursuant to sentence four
14 of 42 U.S.C. § 405(g),⁸ IT IS ORDERED that judgment be entered
15 AFFIRMING the decision of the Commissioner and dismissing this
16 action with prejudice. IT IS FURTHER ORDERED that the Clerk
17 serve copies of this Order and the Judgment on counsel for both
18 parties.

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22 DATED: October 30, 2014



JEAN ROSENBLUTH
U.S. Magistrate Judge

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26 ⁸This sentence provides: "The [district] court shall have
27 power to enter, upon the pleadings and transcript of the record,
28 a judgment affirming, modifying, or reversing the decision of the
Commissioner of Social Security, with or without remanding the
cause for a rehearing."