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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JEFFREY FOX,)	Case No. CV 16-4738-JPR
)	
Plaintiff,)	
)	MEMORANDUM DECISION AND ORDER
v.)	AFFIRMING COMMISSIONER
)	
NANCY A. BERRYHILL, Acting)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	
_____)	

I. PROCEEDINGS

Plaintiff seeks review of the Commissioner's final decision denying his application for Social Security disability insurance benefits ("DIB"). The parties consented to the jurisdiction of the undersigned U.S. Magistrate Judge under 28 U.S.C. § 636(c). The matter is before the Court on the parties' Joint Stipulation, filed May 2, 2017, which the Court has taken under submission without oral argument. For the reasons stated below, the Commissioner's decision is affirmed.

1 **II. BACKGROUND**

2 Plaintiff was born in 1951. (Administrative Record ("AR")
3 122.) He obtained a GED (AR 141) and worked as a real estate
4 agent (AR 33).

5 On March 6, 2013, Plaintiff filed an application for DIB,
6 alleging that he had been unable to work since March 1, 2007,
7 because of post-traumatic-stress disorder, bipolar disorder,
8 depression, hearing loss, arthritis, sleep apnea, hypothyroid,
9 and degenerative disc disease. (AR 60, 122-29.) After his
10 application was denied (AR 60-69), he requested a hearing before
11 an Administrative Law Judge (AR 75-76). A hearing was held on
12 December 3, 2015, at which Plaintiff, who was represented by
13 counsel, testified, as did a vocational expert. (AR 29-59.) In
14 a written decision issued March 9, 2016, the ALJ found that
15 Plaintiff was not disabled at any time between October 1, 2007,
16 his date first insured, and December 31, 2008, his date last
17 insured. (AR 11-28.) Plaintiff requested review from the
18 Appeals Council, and on April 29, 2016, it denied review. (AR 1-
19 4.) This action followed.

20 **III. STANDARD OF REVIEW**

21 Under 42 U.S.C. § 405(g), a district court may review the
22 Commissioner's decision to deny benefits. The ALJ's findings and
23 decision should be upheld if they are free of legal error and
24 supported by substantial evidence based on the record as a whole.
25 See id.; Richardson v. Perales, 402 U.S. 389, 401 (1971); Parra
26 v. Astrue, 481 F.3d 742, 746 (9th Cir. 2007). Substantial
27 evidence means such evidence as a reasonable person might accept
28 as adequate to support a conclusion. Richardson, 402 U.S. at

1 401; Lingenfelter v. Astrue, 504 F.3d 1028, 1035 (9th Cir. 2007).
2 It is more than a scintilla but less than a preponderance.
3 Lingenfelter, 504 F.3d at 1035 (citing Robbins v. Soc. Sec.
4 Admin., 466 F.3d 880, 882 (9th Cir. 2006)). To determine whether
5 substantial evidence supports a finding, the reviewing court
6 "must review the administrative record as a whole, weighing both
7 the evidence that supports and the evidence that detracts from
8 the Commissioner's conclusion." Reddick v. Chater, 157 F.3d 715,
9 720 (9th Cir. 1996). "If the evidence can reasonably support
10 either affirming or reversing," the reviewing court "may not
11 substitute its judgment" for the Commissioner's. Id. at 720-21.

12 **IV. THE EVALUATION OF DISABILITY**

13 People are "disabled" for purposes of receiving Social
14 Security benefits if they are unable to engage in any substantial
15 gainful activity owing to a physical or mental impairment that is
16 expected to result in death or has lasted, or is expected to
17 last, for a continuous period of at least 12 months. 42 U.S.C.
18 § 423(d)(1)(A); Drouin v. Sullivan, 966 F.2d 1255, 1257 (9th Cir.
19 1992).

20 A. The Five-Step Evaluation Process

21 The ALJ follows a five-step sequential evaluation process to
22 assess whether a claimant is disabled. 20 C.F.R.
23 § 404.1520(a)(4); Lester v. Chater, 81 F.3d 821, 828 n.5 (9th
24 Cir. 1996) (as amended). In the first step, the Commissioner
25 must determine whether the claimant is currently engaged in
26 substantial gainful activity; if so, the claimant is not disabled
27 and the claim must be denied. § 404.1520(a)(4)(i).

28 If the claimant is not engaged in substantial gainful

1 activity, the second step requires the Commissioner to determine
2 whether the claimant has a "severe" impairment or combination of
3 impairments significantly limiting his ability to do basic work
4 activities; if not, the claimant is not disabled and his claim
5 must be denied. § 404.1520(a)(4)(ii).

6 If the claimant has a "severe" impairment or combination of
7 impairments, the third step requires the Commissioner to
8 determine whether the impairment or combination of impairments
9 meets or equals an impairment in the Listing of Impairments set
10 forth at 20 C.F.R. part 404, subpart P, appendix 1; if so,
11 disability is conclusively presumed. § 404.1520(a)(4)(iii).

12 If the claimant's impairment or combination of impairments
13 does not meet or equal an impairment in the Listing, the fourth
14 step requires the Commissioner to determine whether the claimant
15 has sufficient residual functional capacity ("RFC")¹ to perform
16 his past work; if so, he is not disabled and the claim must be
17 denied. § 404.1520(a)(4)(iv). The claimant has the burden of
18 proving he is unable to perform past relevant work. Drouin, 966
19 F.2d at 1257. If the claimant meets that burden, a prima facie
20 case of disability is established. Id.

21 If that happens or if the claimant has no past relevant
22 work, the Commissioner then bears the burden of establishing that
23 the claimant is not disabled because he can perform other
24 substantial gainful work available in the national economy.
25 § 404.1520(a)(4)(v); Drouin, 966 F.2d at 1257. That

27
28 ¹ RFC is what a claimant can do despite existing exertional
and nonexertional limitations. § 404.1545; see Cooper v.
Sullivan, 880 F.2d 1152, 1155 n.5 (9th Cir. 1989).

1 determination comprises the fifth and final step in the
2 sequential analysis. § 404.1520(a)(4)(v); Lester, 81 F.3d at 828
3 n.5; Drouin, 966 F.2d at 1257.

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

5 At step one, the ALJ cited "conflicting evidence" and made
6 no finding about whether Plaintiff had engaged in substantial
7 gainful activity from October 1, 2007, his date first insured,
8 through December 31, 2008, his date last insured, proceeding
9 instead to the next step of the sequential analysis.² (AR 16.)

10 At step two, she concluded that during the relevant time period
11 Plaintiff had the severe impairments of bipolar disorder,
12 depression, PTSD, "degenerative disc disease of the cervical
13 spine," and rheumatoid arthritis.³ (AR 17.) At step three, she
14 determined that Plaintiff's impairments did not meet or equal a
15 listing. (Id.)

16 At step four, the ALJ found that through his date last
17 insured, Plaintiff had the RFC to perform modified medium work:
18 he could "sit[], stand[] and/or walk[] up to 6 hours in an 8-hour
19 workday," with "no climbing of ladders, ropes, or scaffolds[,] no
20 work around hazards[,] [and] occasional stooping, crouching,
21 crawling and climbing ramps and stairs"; he was "limited to
22 simple, routine work and occasional public contact." (AR 18.)
23 Based on the VE's testimony, the ALJ concluded that during the
24 relevant period Plaintiff could not have performed his past work

25
26 ² The ALJ noted that some Veterans Administration records
27 indicate Plaintiff was employed full time during the relevant
period. (AR 16.)

28 ³ Plaintiff does not challenge the ALJ's finding that his
other alleged impairments were not severe.

1 as a real estate broker. (AR 22.) At step five, she relied on
2 the VE's testimony to find that given Plaintiff's age, education,
3 work experience, and RFC for medium work "impeded by additional
4 limitations," he could have performed three medium, unskilled
5 "representative occupations" in the national economy: "dietary
6 aide," DOT 319.677-014, 1991 WL 672771,⁴ (2) "laundry worker I,"
7 DOT 361.684-014, 1991 WL 672983, and (3) "hand packager," DOT
8 920.587-018, 1991 WL 687916. (AR 22-23.) The ALJ determined
9 that the VE's testimony was consistent with the DOT. (AR 23.)
10 Accordingly, she found that Plaintiff was not disabled during the
11 relevant time period. (Id.)

12 **V. DISCUSSION**

13 Plaintiff argues that the ALJ erred in considering the
14 medical evidence and determining his RFC. (See J. Stip. at 4-7,
15 11-12.) Specifically, he contends that she failed to incorporate
16 into his RFC portions of the opinion of state-agency psychologist
17 Eric Oritt even though she gave his opinion "significant
18 weight."⁵ (Id. at 4-6; see AR 21.) For the reasons discussed
19 below, remand is not warranted.

20 A. Applicable Law

21 A claimant's RFC is "the most [he] can still do" despite his
22 impairments and related symptoms, which "may cause physical and
23

24 ⁴ The occupation as listed in the Dictionary of
25 Occupational Titles is "food-service worker, hospital"; "dietary
26 aide" is an alternative title. See DOT 319.677-014, 1991 WL
27 672771.

28 ⁵ Dr. Oritt's signature line includes a medical-consultant
code of "38," indicating "[p]sychology" (AR 67); see Program
Operations Manual System (POMS) DI 24501.004, U.S. Soc. Sec.
Admin. (May 5, 2015), <https://secure.ssa.gov/poms.nsf/lnx/0424501004>.

1 mental limitations that affect what [he] can do in a work
2 setting." § 404.1545(a)(1). A district court must uphold an
3 ALJ's RFC assessment when the ALJ has applied the proper legal
4 standard and substantial evidence in the record as a whole
5 supports the decision. Bayliss v. Barnhart, 427 F.3d 1211, 1217
6 (9th Cir. 2005). The ALJ must consider all the medical opinions
7 "together with the rest of the relevant evidence [on record]."
8 § 404.1527(b);⁶ see also § 404.1545(a)(1) ("We will assess your
9 residual functional capacity based on all the relevant evidence
10 in your case record.").

11 The ALJ considers findings by state-agency medical
12 consultants and experts as opinion evidence. § 404.1527(e).
13 "[T]he findings of a nontreating, nonexamining physician can
14 amount to substantial evidence, so long as other evidence in the
15 record supports those findings." Saelee v. Chater, 94 F.3d 520,
16 522 (9th Cir. 1996) (per curiam). An ALJ need not recite "magic
17 words" to reject a physician's opinion or a portion of it; the
18 court may draw "specific and legitimate inferences" from the
19

20 ⁶ Social Security regulations regarding the evaluation of
21 opinion evidence were amended effective March 27, 2017. When, as
22 here, the ALJ's decision is the final decision of the
23 Commissioner, the reviewing court generally applies the law in
24 effect at the time of the ALJ's decision. See Lowry v. Astrue,
25 474 F. App'x 801, 805 n.2 (2d Cir. 2012) (applying version of
26 regulation in effect at time of ALJ's decision despite subsequent
27 amendment); Garrett ex rel. Moore v. Barnhart, 366 F.3d 643, 647
28 (8th Cir. 2004) ("We apply the rules that were in effect at the
time the Commissioner's decision became final."); Spencer v.
Colvin, No. 3:15-CV-05925-DWC, 2016 WL 7046848, at *9 n.4 (W.D.
Wash. Dec. 1, 2016) ("42 U.S.C. § 405 does not contain any
express authorization from Congress allowing the Commissioner to
engage in retroactive rulemaking"). Accordingly, citations to 20
C.F.R. § 404.1527 are to the version in effect from August 24,
2012, to March 26, 2017.

1 ALJ's opinion. Magallanes v. Bowen, 881 F.2d 747, 755 (9th Cir.
2 1989). "[I]n interpreting the evidence and developing the
3 record, the ALJ does not need to 'discuss every piece of
4 evidence.'" Howard ex rel. Wolff v. Barnhart, 341 F.3d 1006,
5 1012 (9th Cir. 2003) (quoting Black v. Apfel, 143 F.3d 383, 386
6 (8th Cir. 1998)). The Court must consider the ALJ's decision in
7 the context of "the entire record as a whole," and if the
8 "evidence is susceptible to more than one rational
9 interpretation," the ALJ's decision should be upheld." Ryan v.
10 Comm'r of Soc. Sec., 528 F.3d 1194, 1198 (9th Cir. 2008)
11 (citation omitted).

12 B. Relevant Background

13 On March 13, 2014, Dr. Oritt completed the mental portion of
14 the disability determination for Plaintiff's DIB claim. (AR 64-
15 67.) After reviewing the medical evidence, Dr. Oritt found that
16 Plaintiff had a "mild" restriction in activities of daily living
17 and "moderate" difficulties in maintaining social functioning and
18 concentration, persistence, or pace. (AR 65.) He had had "[o]ne
19 or [t]wo" episodes of decompensation, each of extended duration.
20 (Id.)

21 Dr. Oritt assessed Plaintiff's mental RFC. (AR 65-67.) He
22 opined that Plaintiff had no limitations in the area of
23 understanding and memory. (AR 66.) He had "moderate"
24 limitations in maintaining attention and concentration for
25 extended periods; performing activities within a schedule,
26 maintaining regular attendance, and being punctual within
27 customary tolerances; working in coordination with or in
28 proximity to others without being distracted by them; completing

1 a normal workday and workweek without interruptions from
2 psychologically based symptoms; and performing at a consistent
3 pace without an unreasonable number and length of rest periods.

4 (Id.) Dr. Oritt found that Plaintiff had no significant
5 limitations in carrying out short and simple, or detailed,
6 instructions; sustaining an ordinary routine without special
7 supervision; or making simple work-related decisions. (Id.)

8 When asked to explain Plaintiff's "sustained concentration and
9 persistence capacities and/or limitations," Dr. Oritt opined that
10 "[a] more flexible and low demand work environment would be
11 preferable but not required." (Id.) He noted that Plaintiff
12 would require only "[o]rdinary supervision." (Id.)

13 In the area of social interaction, Dr. Oritt opined that
14 Plaintiff had "moderate" limitations in interacting appropriately
15 with the general public, accepting instructions and responding
16 appropriately to criticism from supervisors, maintaining socially
17 appropriate behavior, and adhering to basic standards of neatness
18 and cleanliness; he had no significant limitations in his ability
19 to ask simple questions, request assistance, or get along with
20 coworkers or peers without distracting them or exhibiting
21 behavioral extremes. (AR 66-67.) When asked to explain
22 Plaintiff's "social interaction capacities and/or limitations,"
23 Dr. Oritt opined that he "would do best in a job not requiring
24 customer service, contact with [the] public, [or] demanding
25 social interaction." (AR 67.) He would, however, "be able to
26 cooperate with co-workers." (Id.)

27 In the area of adaptation, Dr. Oritt opined that Plaintiff
28 had "moderate" limitations in responding appropriately to changes

1 in the work setting, setting realistic goals, and making plans
2 independently of others; he had no significant limitations in his
3 ability to be aware of normal hazards and take appropriate
4 precautions, travel in unfamiliar places, or use public
5 transportation. (Id.) When asked to explain Plaintiff's
6 "adaptation capacities and/or limitations," Dr. Oritt opined that
7 he "would function best in a workplace setting with defined
8 workplace tasks," where he would "not be required to develop
9 independent workplace goals." (Id.)⁷

10 C. Analysis

11 The ALJ limited Plaintiff to "simple, routine work and
12 occasional public contact." (AR 18.) In assessing Plaintiff's
13 RFC, she gave "significant weight" to Dr. Oritt's opinion,
14 finding that it was "both consistent with and supported by the
15 substantial medical evidence of record and [Plaintiff]'s
16 allegations and presentation at the hearing." (AR 21 (citing Ex.
17 1A).) Plaintiff does not contend that the ALJ erred in giving
18 "significant weight" to the opinion; instead, he argues that the
19 ALJ erred because portions of his RFC "differ[] from Dr. Oritt's
20 opinion and there is no explanation for the deviation."⁸ (See J.
21 Stip. at 6.) Specifically, Plaintiff contends that the ALJ

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23 ⁷ It is not entirely clear that Dr. Oritt's 2014 findings
24 related to the relevant period. Although he indicated that his
25 mental-RFC evaluation was for "Date Last Insured: 12/31/2008" (AR
26 65), the medical records he reviewed were recent and his findings
were all made in the present tense (see AR 66-67). Because
neither party contends otherwise, the Court assumes that Dr.
Oritt's evaluation was for the relevant period.

27 ⁸ Plaintiff does not challenge the ALJ's physical-RFC
28 assessment, credibility findings, or indeed any other portion of
her decision.

1 failed to incorporate Dr. Oritt's alleged findings that he "could
2 not work with the public" or in a "service occupation" and "would
3 need defined tasks" and "preferable [sic] low stress." (Id. at
4 7.)

5 Plaintiff misstates Dr. Oritt's opinion. Dr. Oritt did not
6 opine that Plaintiff "could not work with the public"; he stated
7 that he was "[m]oderately limited" in his ability to "interact
8 appropriately" in that area (AR 66) and "would do best" in a job
9 "not requiring . . . contact with the public" (AR 67). Dr. Oritt
10 did not opine that Plaintiff could not work in a "service
11 occupation"; rather, he found that he "would do best" in a
12 position "not requiring customer service." (Id.) He did not
13 limit Plaintiff to only "defined tasks"; he noted that he "would
14 function best" in a setting with "defined workplace tasks."
15 (Id.) And he did not limit Plaintiff to "low stress" work;
16 rather, he noted that "[a] more flexible and low demand work
17 environment would be preferable but not required." (AR 66.) Dr.
18 Oritt stated preferences, not requirements, for work that would
19 accommodate Plaintiff's limitations. The ALJ's interpretation of
20 those recommendations was reasonable; she was not required to
21 address every word of Dr. Oritt's opinion, as Plaintiff
22 suggests.⁹ See Ryan, 528 F.3d at 1198; Howard, 341 F.3d at 1012.

24 ⁹ Notably, the ALJ specifically rejected those portions of
25 the opinion of Plaintiff's treating doctor, Dr. Douglas Sears,
26 that assessed greater limitations than those found by Dr. Oritt
27 (see AR 21-22), including his opinion that Plaintiff could not
28 work with the public or in situations of high stress (AR 266-78).
Plaintiff does not challenge the weight the ALJ gave to Dr.
Sears's opinions nor point to any other medical-opinion evidence
that contradicts his RFC.

1 Further, as Defendant points out, Plaintiff's RFC is "fully
2 consistent" with the actual limitations Dr. Oritt imposed. (J.
3 Stip. at 8.) The ALJ limited Plaintiff to "simple, routine work
4 and occasional public contact." (AR 18.) Dr. Oritt opined that
5 Plaintiff had moderate limitations in his ability to "perform at
6 a consistent pace without an unreasonable number and length of
7 rest periods" and in concentration and persistence, but he found
8 no limitations in his ability to carry out short and simple, or
9 detailed, instructions, make simple work-related decisions, or
10 sustain an ordinary routine without special supervision. (AR
11 66.) He found that Plaintiff had the capacity to work under
12 ordinary supervision and cooperate with coworkers, but that he
13 "would function best" with "defined workplace tasks" and no
14 requirement that he "develop independent workplace goals." (AR
15 66-67.) Dr. Oritt opined that "[a] more flexible and low demand
16 work environment" was preferable but not required (AR 66), and
17 that Plaintiff "would do best" without public contact or
18 "demanding social interaction" (AR 67). Those limitations were
19 properly translated by the ALJ into a restriction to "simple,
20 routine work" with only "occasional public contact." See Stubbs-
21 Danielson v. Astrue, 539 F.3d 1169, 1173-74 (9th Cir. 2008)
22 (finding that ALJ's limitation to "simple, routine, repetitive"
23 work sufficiently accommodated medical-opinion evidence that
24 claimant had "moderate" limitation in pace and "other mental
25 limitations regarding attention, concentration, and adaption");
26 Hughes v. Colvin, 599 F. App'x 765, 766 (9th Cir. 2015) (ALJ's
27 RFC assessment accounted for moderate difficulties in social
28 functioning, concentration, and persistence by restricting

1 claimant to simple, routine, repetitive tasks in job where she
2 could work independently, with no more than occasional public
3 interaction); Rodriguez v. Colvin, No. 1:13-CV-01716-SKO, 2015 WL
4 1237302, at *6 (E.D. Cal. Mar. 17, 2015) ("a moderate limitation
5 in the ability to complete a workday or workweek without
6 interruption is consistent with and properly captured by a
7 limitation to simple repetitive tasks"); McLain v. Astrue, No.
8 SACV 10-1108 JC, 2011 WL 2174895, at *6 (C.D. Cal. June 3, 2011)
9 ("[m]oderate mental functional limitations . . . are not per se
10 disabling, nor do they preclude the performance of jobs that
11 involve simple, repetitive tasks" (citations omitted)).

12 Even assuming the ALJ erred in failing to include in
13 Plaintiff's RFC a prohibition on public contact or a specific
14 requirement of "low stress" and "defined tasks" (J. Stip. at 7),
15 any error was harmless. The VE testified that a person with
16 Plaintiff's RFC could perform three representative occupations:
17 dietary aide, DOT 319.677-014, 1991 WL 672771, laundry worker,
18 DOT 361.684-014, 1991 WL 672983, and hand packager, DOT 920.587-
19 018, 1991 WL 687916. (AR 54.) The VE further testified that
20 13,828 laundry-worker jobs and 43,123 hand-packager jobs were
21 available nationally. (Id.) As Defendant argues, those two jobs
22 are consistent with Plaintiff's alleged additional limitations.¹⁰
23 (J. Stip. at 9.)

24 A laundry worker "[w]ashes and irons . . . linens and
25

26 ¹⁰ Defendant appears to concede that the dietary-aide job
27 would involve some level of public contact. (See J. Stip. at 9
28 (arguing harmless error for only laundry-worker and hand-packager
jobs)); see also DOT 319.677-014, 1991 WL 672771.

1 clothes used by employees . . . or washes uniforms, aprons, and
2 towels in establishments supplying employees with these linens,"
3 "[u]s[ing] equipment usually found in household or in small
4 laundry." DOT 361.684-014, 1991 WL 672983. A hand packager
5 "[p]ackages materials and products manually" and variously
6 "[c]leans packaging containers," "[l]ines and pads crates and
7 assembles cartons," "[o]btains and sorts product," "[w]raps
8 protective material around product," "[s]tarts, stops, and
9 regulates speed of conveyor," "[i]nserts or pours product into
10 containers or fills containers from spout or chute," "[w]eighs
11 containers and adjusts quantity," "[n]ails, glues, or closes and
12 seals containers," "[l]abels containers, container tags, or
13 products," "[s]orts bundles or filled containers," "[p]acks
14 special arrangements or selections of product," "[i]nspects
15 materials, products, and containers at each step of packaging
16 process," and "[r]ecords information, such as weight, time, and
17 date packaged." DOT 920.587-018, 1991 WL 687916.

18 Both jobs have a list of defined tasks and do not appear to
19 involve any public contact or obviously stressful work. Indeed,
20 neither could reasonably be described as a "customer service"
21 occupation; both require the lowest level of public interaction
22 and list "talking" as "not present." See DOT 361.684-014, 1991
23 WL 672983; DOT 920.587-018, 1991 WL 687916; DOT app. B -
24 Explanation of Data, People, and Things, 1991 WL 688701. Any
25 error was thus harmless. See Stout v. Comm'r, Soc. Sec. Admin.,
26 454 F.3d 1050, 1055 (9th Cir. 2006) (nonprejudicial or irrelevant
27 mistakes are harmless); Gallo v. Comm'r of Soc. Sec. Admin., 449
28 F. App'x 648, 650 (9th Cir. 2011) ("Because the ALJ satisfied his

1 burden at Step 5 by relying on the VE's testimony about the
2 Addresser job, any error that the ALJ may have committed by
3 relying on the testimony about the 'credit checker' job was
4 harmless" (citing Carmickle v. Comm'r, Soc. Sec. Admin., 533 F.3d
5 1155, 1162 (9th Cir. 2008)); see also Tommasetti v. Astrue, 533
6 F.3d 1035, 1043-44 (9th Cir. 2008) (holding that VE's testimony
7 describing single occupation for which significant number of jobs
8 existed sufficed). Some 57,000 jobs available nationally between
9 the hand-packager and laundry-worker jobs is a significant
10 number. See Gutierrez v. Comm'r of Soc. Sec., 740 F.3d 519, 528-
11 29 (9th Cir. 2014) (holding that 25,000 nationally available jobs
12 presented "close call" but nonetheless sufficed as "work which
13 exists in significant numbers").

14 **VI. CONCLUSION**

15 Consistent with the foregoing and under sentence four of 42
16 U.S.C. § 405(g),¹¹ IT IS ORDERED that judgment be entered
17 AFFIRMING the Commissioner's decision, DENYING Plaintiff's
18 request for remand, and DISMISSING this action with prejudice.

19
20 DATED: July 27, 2017



JEAN ROSENBLUTH
U.S. Magistrate Judge

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26 _____
27 ¹¹ That sentence provides: "The [district] court shall have
28 power to enter, upon the pleadings and transcript of the record,
a judgment affirming, modifying, or reversing the decision of the
Commissioner of Social Security, with or without remanding the
cause for a rehearing."