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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
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12 TRACY BROWN,

13 Plaintiff,

14 v.

15 NANCY BERRYHILL, Acting
16 Commissioner of Social Security
17 Administration,

18 Defendant.
19

Case No. ED CV 17-1300 JLS (MRW)

**ORDER AFFIRMING AGENCY
DECISION AND DISMISSING
ACTION WITH PREJUDICE**

20 The Court summarily affirms the decision of the Social Security
21 Administration and dismisses the action with prejudice. Plaintiff has not
22 advanced any colorable argument in this Court regarding her appeal of the
23 agency's action.

24 * * *

25 1. This is an appeal from the denial of Social Security disability
26 benefits. Plaintiff applied for benefits based on several back, neck, and pain-
27 related conditions.
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1 2. The agency initially denied her application. After that, an
2 administrative law judge conducted a hearing. Plaintiff was represented by an
3 attorney at the hearing and testified on her own behalf. (Docket # 14-3 at 26.)
4 The ALJ also received medical evidence from Plaintiff’s physicians.

5 3. The ALJ concluded that Plaintiff was not disabled. According to
6 the written decision, the ALJ determined that Plaintiff had the physical ability to
7 perform “light work” with various limitations. (Id. at 14.) A vocational expert
8 testified that Plaintiff could perform her previous work as a clerk or hairstylist.
9 (Id. at 20.) The agency’s Appeals Council accepted the ALJ’s decision.

10 4. Plaintiff commenced this pro se appeal. (Docket # 1.) Magistrate
11 Judge Wilner issued an order explaining the procedure by which the Court
12 would consider a self-represented litigant’s appeal of the agency decision.
13 (Docket # 8.) That order required Plaintiff to identify her “legal claims on
14 appeal” to the government and file a brief with the Court “regarding the issues
15 on appeal.” (Id.)

16 5. Plaintiff failed to do so. She initially filed a two-page statement
17 that essentially asked the Court to award her benefits for humanitarian reasons.
18 (Docket # 19.) However, the bare submission identified no legal or factual basis
19 upon which the Court could properly vacate the agency’s decision regarding her
20 disability.

21 6. Judge Wilner issued an order noting this defect. (Docket # 21.)
22 The magistrate judge offered Plaintiff the opportunity to submit a legitimate
23 summary judgment presentation. The order also provided Plaintiff with
24 information about the pro se law clinics that operate in the federal courthouses to
25 assist unrepresented litigants. (Id.)

26 7. Plaintiff filed another short submission. (Docket # 23.) Plaintiff
27 requested “reconsideration” of her claim based on her generalized claim that she
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1 is unable to work due to her conditions. However, she again identified no
2 specific basis for her appeal of the agency decision.

3 8. The government contends that Plaintiff's submissions are
4 inadequate to inform it of the issues on appeal. On that basis, the government
5 asked the Court to affirm the agency's decision and dismiss the action. (Docket
6 # 25, 27.)

7 * * *

8 9. Under 42 U.S.C § 405(g), a district court may review the Social
9 Security Administration's decision to deny benefits. The ALJ's findings and
10 decision must be upheld unless "the ALJ's findings are based on legal error or
11 are not supported by substantial evidence in the record." Attmore v. Colvin, 827
12 F.3d 872, 875 (9th Cir. 2016); Lamear v. Berryhill, 865 F.3d 1201, 1204 (9th
13 Cir. 2017).

14 10. A claimant seeking appellate review of an agency determination
15 bears the burden of identifying "specific assignments of error" with the denial of
16 benefits. Loewen v. Berryhill, 707 F. App'x 907, 908 (9th Cir. 2017). A federal
17 court "need not address arguments that were not argued with any specificity" on
18 appeal from the agency. Id. (citing Carmickle v. Comm'r, Soc. Sec. Admin.,
19 533 F.3d 1155, 1161 n.2 (9th Cir. 2008); Indep. Towers of Wash. v.
20 Washington, 350 F.3d 925, 929 (9th Cir. 2003) (federal court "cannot
21 manufacture arguments for appellant" and will only review issues "which are
22 argued specifically and distinctly" on appeal).

23 11. Plaintiff had several opportunities to inform the Court and the
24 government of the specific basis for her appeal. Despite time extensions and a
25 referral to a local legal clinic, she has not done so. As a result, the Court cannot
26 determine what issues warrant appellate review. Loewen, 707 F. App'x at 908;
27 Carmickle, 533 F.3d at 1161. Her general dissatisfaction with the denial of
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1 disability benefits does not provide a legitimate basis to conclude that there was
2 any legal or factual error in her case. Attmore, 827 F.3d at 875; Lamear, 865
3 F.3d at 1204. Judgment must be entered affirming the agency's adverse
4 decision.¹

5 * * *

6 Therefore, the agency's decision is AFFIRMED and the present action is
7 DISMISSED with prejudice.

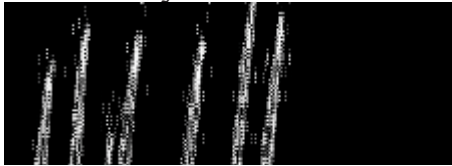
8 IT IS SO ORDERED.

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11 Dated: June 5, 2018



12 HON. JOSEPHINE L. STATON
13 UNITED STATES DISTRICT JUDGE

14 Presented by:



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18 HON. MICHAEL R. WILNER
19 UNITED STATES MAGISTRATE JUDGE

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23 _____
24 ¹ The government also contends that dismissal is appropriate under
25 Federal Rule of Civil Procedure 41 because of Plaintiff's failure to prosecute the
26 action. (Docket # 27 at 3-4.) It is not apparent that Plaintiff failed to prosecute
27 the case; she just hasn't prosecuted it well. A Rule 41 dismissal serves as a form
28 of sanction against a litigant whose conduct delays proceedings or prejudices an
adversary. Omstead v. Dell, Inc., 594 F. 3d 1081, 1084 (9th Cir. 2010). That's
not directly at play in the current case. As a result, the Court declines to dismiss
the action on this procedural ground.