1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 MICHAEL B. LEWIS, No. 1:21-cv-01243-ADA-SAB 12 Plaintiff. 13 ORDER ADOPTING FINDINGS AND v. RECOMMENDATIONS 14 COMMISSIONER OF SOCIAL SECURITY, (ECF Nos. 14, 22, 23) 15 Defendant. 16 17 On August 16, 2021, Plaintiff Michael B. Lewis ("Plaintiff") initiated this action seeking judicial review of the denial of his application for benefits. (ECF No. 1.) On July 15, 2022, Plaintiff 18 19 filed a motion for summary judgment. (ECF No. 14.) This matter was referred to a United States 20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 On February 23, 2023, the assigned Magistrate Judge issued findings and recommendations, 22 recommending that Plaintiff's motion for summary judgment be denied. (ECF No. 22.) The findings and recommendations were served on the parties and contained notice that any objections 23 24 thereto were to be filed within fourteen days after service. (*Id.* at 25.) On March 9, 2023, Plaintiff timely filed objections to the findings and recommendations. (ECF No. 23.) 25 26 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a de novo review of the case. Having carefully reviewed the entire file, the Court finds that the 27 /// 28

findings and recommendations are supported by the record and proper analysis.

In his objections, Plaintiff objects to the Magistrate Judge's finding that the Administrative Law Judge ("ALJ") properly evaluated the opinions from Dr. Quinlan and Dr. Arnold. (ECF No. 23 at 1-4.) Plaintiff argues that the ALJ improperly rejected the opinions of qualified medical professionals in favor of her own interpretation of the clinical findings and failed to explain why her interpretation of the evidence was correct. (*Id.* at 3.) As the Magistrate Judge explained, the residual functional capacity ("RFC") is not a medical opinion, but a legal decision that is expressly reserved for the Commissioner. (ECF No. 22 at 11) (citing 20 C.F.R. §§ 404.1527(d)(2); 404.1546(c)). Consequently, "[t]he ALJ's RFC determination need not precisely reflect any particular medical provider's assessment." *Althoff-Gromer v. Comm'r of Soc. Sec.*, No. 2:18-cv-00082- KJN, 2019 WL 1316710, at \*13 (E.D. Cal. Mar. 22, 2019). Also, this Court must defer to the decision of the ALJ where evidence exists to support more than one rational interpretation. (ECF No. 22 at 14) (citing *Drouin v. Sullivan*, 966 F.2d 1255, 1258 (9th Cir. 1992).

Additionally, Plaintiff alleges that the ALJ failed to offer any reason for rejecting Plaintiff's subjective complaints and the ALJ's decision is not supported by substantial evidence. (ECF No. 23 at 5-7.) However, since the ALJ did not find evidence of malingering; she was required to provide specific, clear, and convincing reasons for rejecting Plaintiff's testimony and she complied with this requirement. (ECF No. 22.) First, the ALJ identified specific inconsistencies with Plaintiff's testimony regarding his symptoms and purported limitations and objective medical evidence which contradicts each identified allegation. (*Id.* at 19.) Contradiction between the claimant's testimony and the relevant medical evidence is a sufficient basis for an adverse credibility finding. *Johnson v. Shalala*, 60 F.3d 1428, 1434 (9th Cir. 1995). Also, the Magistrate Judge found that the multiple medical notes from the record constitute substantial evidence which support the ALJ's adverse credibility determination. (*Id.*) "This alone is sufficient reason to uphold the AJL's discounting of Plaintiff's symptom testimony. (*Id.*)

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1	Accordingly,	
2	1.	The findings and recommendations issued on February 23, 2023, (ECF No. 22), are
3		ADOPTED in full;
4	2.	Plaintiff's motion for summary judgment, (ECF No. 14), is DENIED; and
5	3.	The Clerk of the Court is directed to enter judgment in favor of defendant
6		Commissioner of Social Security and against Plaintiff Michael B. Lewis and
7		CLOSE this case.
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10	IT IS SO ORDERED.	
11	Dated:	June 1, 2023 UNITED STATES DISTRICT JUDGE
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