

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Daniel James Castillo v. Commissioner of Social Security

Castillo · No. 2:24-cv-00812-SCR · Decided September 17, 2025

OPINION

Daniel James Castillo v. Commissioner of Social Security

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 DANIEL JAMES CASTILLO, No. 2:24-cv-00812-SCR

12 Plaintiff,

13 v. MEMORANDUM OPINION AND ORDER

14 COMMISSIONER OF SOCIAL

SECURITY,

15 Defendant. 16

17 18 Plaintiff seeks judicial review of a final decision of the Commissioner of Social Security 19
("Commissioner"), denying his application for supplemental security income ("SSI") under 20
Title XVI of the Social Security Act (the "Act"), 42 U.S.C. §§ 1381-1383f. Plaintiff argues that 21
the ALJ's Residual Functional Capacity ("RFC") assessment is not supported by substantial 22
evidence because the ALJ failed to account for all the limitations assessed by Dr. Hickman, a 23
psychological consultative examiner. ECF No. 11 at 9. For the reasons that follow, the Court 24
will DENY Plaintiff's motion for summary judgment (ECF No. 11) and GRANT the 25
Commissioner's cross-motion for summary judgment (ECF No. 16). 26 /// 27 /// 28 ///

1 I. PROCEDURAL BACKGROUND

2 Plaintiff applied for SSI in September 2019, alleging disability beginning in June 2008.1 3
Administrative Record ("AR") 158.2 The applications were disapproved initially, and on 4
reconsideration. AR 195-200. Plaintiff requested a hearing before an administrative law judge 5
("ALJ"), and appeared before an ALJ on four occasions. At the first hearing in June 2021, 6
Plaintiff's counsel was ill and requested a continuance. AR 73-75. At the second hearing in
7 September 2021, Plaintiff was without counsel and the ALJ agreed to postpone the hearing so
8 Plaintiff could seek counsel. AR 77-95. The ALJ also explained to Plaintiff that he needed to 9
attend consultative exams that were scheduled. AR 87-88. In May 2022, a hearing was held by 10
ALJ Robert Spaulding. AR 96-134 (transcript). Plaintiff participated in the hearing, and was 11

represented by counsel. A vocational expert (“VE”), Michael Swanson also testified. AR 126- 12 132. Additionally, the ALJ held a supplemental hearing at Plaintiff’s request, at which additional 13 questions were asked of the VE. AR 135-156. 14 On June 8, 2023, the ALJ issued an unfavorable decision, finding Plaintiff was not under a 15 disability, as defined in the Act, since September 30, 2019. AR 20-31 (decision). On January 19, 16 2024, the Appeals Council denied Plaintiff’s request for review, leaving the ALJ’s decision as the 17 final decision of the Commissioner. AR 4-6. 18 Plaintiff filed this on March 15, 2024. ECF No. 1. The parties filed cross-motions for 19 summary judgment (ECF Nos. 11 & 16) based upon the Administrative Record.

20 II. FACTUAL BACKGROUND³

21 Plaintiff was born in October 1980, and was 38 years old at the time he applied for SSI in 22 September of 2019. AR 158. Plaintiff testified he had taken a couple junior college courses, and 23 could not remember if he obtained a GED, but did attend continuation school. AR 115. Plaintiff 24 testified he had not worked since 2008, and when asked why stated: “I was on Social Security, so 25 1 Plaintiff later amended the alleged onset date to September 30, 2019. AR 108. 26 2 The AR is electronically filed at ECF No. 7. Page references to the AR are to the number in the lower right corner of the page. For briefs, page references are to the CM/ECF generated header in 27 the upper right corner. 3 The Court will not set forth the factual background/medical evidence in detail as there is only 28 one contested issue: the ALJ’s evaluation of the opinion of consultative examiner Dr. Hickman. 1 I didn’t work.” AR 115. Plaintiff testified that in 2018 he was charged with resisting arrest, and 2 was ultimately found competent and sentenced to 17 months. AR 116. Plaintiff reported pain 3 after multiple ankle surgeries and stated he could not be on his feet for more than two hours. AR 4 119. He does not take prescription pain medication, but sometimes takes over the counter 5 medication. Id. Plaintiff testified that he walks to the post office every other day and that it is 6 over a mile away. AR 114, 122. He stated he currently uses a cane. AR 119. Plaintiff also 7 testified about experiencing depression, and stated that he did not think he could work a call 8 center job because he is “impatient” and doesn’t like dealing with people. AR 118-121. 9 Plaintiff’s function report, completed in October 2019, stated his ability to work was 10 adversely affected because he could not stand long periods without pain, or lift more than 25 11 pounds with his left elbow. AR 463. The function report stated he had no problem with personal 12 care, was able to prepare meals, and was able to do cleaning, laundry, shopping, and keep 13 appointments. AR 465. He indicated he was able to drive, take public transit, and manage his 14 own money. AR 466. He further stated he could pay attention “very well” and could follow 15 written and spoken instructions. AR 468. Plaintiff completed a second function report in May 16 2020, which was similar and again focused on physical limitations while stating his “attention 17 span is good” and he can follow written and spoken instructions. AR 508. 18 Plaintiff’s counsel’s opening statement focused on his mental impairments. AR 108-111. 19 Plaintiff’s counsel discussed Plaintiff’s “disorganized thinking,” memory problems, anxiety, and 20 difficulty

handling changes in routine. AR 108-110. Counsel also mentioned the right-ankle 21 issue and left-elbow problem. AR 110-11. 22 The VE testified that a person of Plaintiff's age and education, with Plaintiff's 23 limitations, would be able to perform work in the national economy. AR 129-130. The VE 24 identified three positions: Officer Helper, Outside Deliverer, and Photocopying Machine 25 Operator, all of which are light exertional level and unskilled occupations. AR 129-130. The VE 26 testified that his testimony was consistent with the Dictionary of Occupational Titles. AR 130.

27 III. LEGAL STANDARDS

28 The Commissioner's decision that a claimant is not disabled will be upheld "if it is 1 supported by substantial evidence and if the Commissioner applied the correct legal standards." 2 Howard ex rel. Wolff v. Barnhart, 341 F.3d 1006, 1011 (9th Cir. 2003). "'The findings of the 3 Secretary as to any fact, if supported by substantial evidence, shall be conclusive . . .'" Andrews 4 v. Shalala, 53 F.3d 1035, 1039 (9th Cir. 1995) (quoting 42 U.S.C. § 405(g)). 5 Substantial evidence is "more than a mere scintilla," but "may be less than a 6 preponderance." Molina v. Astrue, 674 F.3d 1104, 1111 (9th Cir. 2012). Substantial evidence 7 "means—and means only such relevant evidence as a reasonable mind might accept as adequate 8 to support a conclusion." Biestek v. Berryhill, 587 U.S. 97, 103 (2019) (internal quotation and 9 citation omitted). "While inferences from the record can constitute substantial evidence, only 10 those 'reasonably drawn from the record' will suffice." Widmark v. Barnhart, 454 F.3d 1063, 11 1066 (9th Cir. 2006) (citation omitted). 12 Although this Court cannot substitute its discretion for that of the Commissioner, the court 13 nonetheless must review the record as a whole, "weighing both the evidence that supports and the 14 evidence that detracts from the [Commissioner's] conclusion." Desrosiers v. Secretary of HHS, 15 846 F.2d 573, 576 (9th Cir. 1988); Jones v. Heckler, 760 F.2d 993, 995 (9th Cir. 1985) ("The 16 court must consider both evidence that supports and evidence that detracts from the ALJ's 17 conclusion; it may not affirm simply by isolating a specific quantum of supporting evidence."). 18 "The ALJ is responsible for determining credibility, resolving conflicts in medical 19 testimony, and resolving ambiguities." Edlund v. Massanari, 253 F.3d 1152, 1156 (9th 20 Cir. 2001). "Where the evidence is susceptible to more than one rational interpretation, one of 21 which supports the ALJ's decision, the ALJ's conclusion must be upheld." Thomas v. Barnhart, 22 278 F.3d 947, 954 (9th Cir. 2002). However, the court may review only the reasons stated by the 23 ALJ in his decision "and may not affirm the ALJ on a ground upon which he did not rely." Orn 24 v. Astrue, 495 F.3d 625, 630 (9th Cir. 2007); Connett v. Barnhart, 340 F.3d 871, 874 (9th Cir. 25 2003) ("It was error for the district court to affirm the ALJ's credibility decision based on 26 evidence that the ALJ did not discuss"). 27 The court will not reverse the Commissioner's decision if it is based on harmless error, 28 which exists only when it is "clear from the record that an ALJ's error was 'inconsequential to the 1 ultimate nondisability determination.'" Robbins v. Soc. Sec. Admin., 466 F.3d 880, 885 (9th Cir. 2 2006) (quoting Stout v. Commissioner, 454 F.3d 1050, 1055 (9th Cir. 2006)); see also Burch v. 3 Barnhart, 400 F.3d 676, 679 (9th Cir. 2005).

4 IV. RELEVANT LAW

5 SSI is available for eligible individuals who are “disabled.” 42 U.S.C. § 1381a. An 6 individual is “disabled” if unable to “engage in any substantial gainful activity by reason of any 7 medically determinable physical or mental impairment which can be expected to result in death or 8 which has lasted or can be expected to last for a continuous period of not less than twelve 9 months.” 42 U.S.C. §1382c(a)(3)(A); see also *Bowen v. Yuckert*, 482 U.S. 137, 140 (1987). 10 The Commissioner uses a five-step sequential evaluation process to determine whether an 11 applicant is disabled and entitled to benefits. 20 C.F.R. §§ 404.1520(a)(4), 416.920(a)(4); 12 *Barnhart v. Thomas*, 540 U.S. 20, 24-25 (2003) (setting forth the “five-step sequential evaluation 13 process to determine disability” under Title II and Title XVI). The following summarizes the 14 sequential evaluation: 15 Step one: Is the claimant engaging in substantial gainful activity? If so, the claimant is not disabled. If not, proceed to step two. 16 20 C.F.R. §§ 404.1520(a)(4)(i), (b); 416.920(a)(4)(i), (b). 17 Step two: Does the claimant have a “severe” impairment? If so, 18 proceed to step three. If not, the claimant is not disabled. 19 *Id.*, §§ 404.1520(a)(4)(ii), (c); 416.920(a)(4)(ii), (c). 20 Step three: Does the claimant’s impairment or combination of impairments meet or equal an impairment listed in 20 C.F.R., Pt. 404, 21 Subpt. P, App. 1? If so, the claimant is disabled. If not, proceed to step four. 22 *Id.*, §§ 404.1520(a)(4)(iii), (d); 416.920(a)(4)(iii), (d). 23 Step four: Does the claimant’s residual functional capacity make him 24 capable of performing his past work? If so, the claimant is not disabled. If not, proceed to step five. 25 *Id.*, §§ 404.1520(a)(4)(iv), (e), (f); 416.920(a)(4)(iv), (e), (f). 26 Step five: Does the claimant have the residual functional capacity 27 perform any other work? If so, the claimant is not disabled. If not, the claimant is disabled. 28 1 *Id.*, §§ 404.1520(a)(4)(v), (g); 416.920(a)(4)(v), (g). 2 The claimant bears the burden of proof in the first four steps of the sequential evaluation 3 process. 20 C.F.R. §§ 404.1512(a), 416.912(a) (“In general, you have to prove to us that you are 4 blind or disabled”); *Bowen*, 482 U.S. at 146 n.5. However, “[a]t the fifth step of the sequential 5 analysis, the burden shifts to the Commissioner to demonstrate that the claimant is not disabled 6 and can engage in work that exists in significant numbers in the national economy.” *Hill v.* 7 *Astrue*, 698 F.3d 1153, 1161 (9th Cir. 2012); *Bowen*, 482 U.S. at 146 n.5.

8 V. THE ALJ’s DECISION

9 The ALJ made the following findings: 10 1. [Step 1] The claimant has not engaged in substantial gainful activity since the application date of September 30, 2019 (AR 23). 11

2. [Step 2] The claimant has the following severe impairments: Sequelae of Left

12 Elbow Fracture and ORIF; Right Ankle Fracture and ORIF; Obesity; Schizoaffective Disorder, Depressive Type, with Catatonia, Multiple Episodes, in 13 Partial Remission; Depression; and Bipolar Disorder (AR 23). 14

3. [Step 3] The claimant does not have an impairment or combination of impairments that meets or medically equals the severity of one of 15 the listed impairments in 20 CFR Part 404, Subpart P, Appendix 1 (AR 23). 16

4. [Preparation for Step 4] The claimant has the residual functional capacity

17 to perform light work as defined in 20 CFR 416.967(b) except the claimant is 18 able to stand and/or walk for a combined 4 hours during and 8-hour workday. He can occasionally reach overhead with the right upper extremity and can 19 frequently reach in all other directions with the right upper extremity. The claimant can occasionally climb ramps and stairs but can never climb ladders, 20 ropes or scaffolds and can never crawl. The claimant is limited to simple, work-related decisions. He is limited to goal- oriented work (e.g. housekeeper) 21 but is unable to perform at a production rate pace. He is limited to occasional interaction with supervisors (but is able to follow directions); occasional 22 interaction with coworkers (but should not engage in teamwork or coordinated 23 work); and occasional interaction with the public. (AR 25). 24 5. [Step 4] The claimant has no past relevant work. (AR 30). 25 6. [Step 5] The claimant was born in 1980 and was 38 years old on the date the application was filed, which is defined as a “younger 26 individual/” 20 CFR § 416.963 (AR 30). 27 7. [Step 5, continued] The claimant has a limited education (20 C.F.R. 416.964) (AR 30). 28 1 8. [Step 5, continued] Transferability of job skills is not at issue because the claimant does not have past relevant work (AR 30). 2

9. [Step 5, continued] Considering the claimant’s age, education, 3 work experience, and residual functional capacity there are jobs that exist in significant numbers in the national economy that the claimant 4 can perform (AR 30). 5 10. The claimant has not been under a disability, as defined by the Act, from September 30, 2019, through the date of decision (AR 31). 6

7 VI. ANALYSIS

8 Plaintiff raises only one issue before this Court. Plaintiff contends that the opinion of 9 consultative examiner Dr. Hickman,⁴ contained limitations that the ALJ did not fully incorporate 10 into the RFC. ECF No. 11 at 9-10. The Commissioner argues that the ALJ is responsible for 11 translating and incorporating the clinical findings into the RFC and that the ALJ properly 12 evaluated Dr. Hickman’s report and accounted for it in the RFC. ECF No. 16 at 2. 13 A. Dr. Hickman’s Consultative Exam 14 Clinical psychologist David Hickman, Ph.D., evaluated Plaintiff on March 12, 2022, and 15 prepared a report. AR 1022-1033. The report states that Plaintiff arrived early for his 16 appointment, was dressed appropriately, and was polite and cooperative. AR 1022. Plaintiff 17 reported his psychiatric conditions as bipolar disorder, depression, and catatonia. AR 1022. Dr. 18 Hickman obtained a history of Plaintiff’s depression starting at a young age, past medical 19 treatment, and involuntary hospitalizations. AR 1023-24. 20 In regard to Plaintiff’s social history, Dr. Hickman notes that Plaintiff resides at a “board 21 and care facility” with other residents and that Plaintiff “described no difficulties getting along 22 with other people in his life.” AR 1024. However, he also reported not having close 23 relationships. Id. Plaintiff described his highest education level as some junior college and 24 reported that he obtained his GED. AR 1024. He stated that his typical grades were “A’s and B’s 25 or sometimes just C average.” AR 1025. 26 4 Plaintiff objected to the admission of Dr. Hickman’s report in the first place as “inconsistent” 27 and “speculative”. AR 102. Counsel stated the report showed

“extreme inconsistency” and stated: “I would object to this report coming in.” AR 104. Counsel now relies on Dr. Hickman’s 28 report in support of Plaintiff’s only claim of error. 1 Dr. Hickman conducted a mental status exam and found that Plaintiff’s “thought processes 2 were logical, linear, and goal-directed.” AR 1026. Dr. Hickman assessed Plaintiff’s intellectual 3 functioning as “Low Average range.” Id. Plaintiff’s memory appeared to be “moderately 4 impaired.” Id. His attention and concentration were “mildly impaired.” AR 1027. Plaintiff’s 5 insight and judgment were assessed as fair. AR 1027. Dr. Hickman found, based on memory 6 testing, that Plaintiff “is capable of remembering and carrying out simple tasks, and that his 7 ability to remember and carry out complex tasks is markedly impaired due to his slow pace.” AR 8 1030. 9 B. ALJ’s Consideration of Dr. Hickman’s Exam 10 The ALJ discussed Dr. Hickman’s findings at some length in his decision. AR 23-24, 28. 11 The ALJ found the opinion to be “persuasive.” AR 28. The ALJ found Hickman’s opinion was 12 supported by his own diagnostic testing. AR 28. The ALJ found it to be consistent with the 13 overall medical record, including treatment records such as the September 2019 discharge note 14 that “shows only mild impairment in interacting with others,” “subsequent treatment records 15 [that] show generally normal mental status exams,” and Dr. David Johnson’s treatment notes in 16 January 2023. AR 28.

17 With respect to the ALJ’s consideration of medical opinions, new regulations apply to 18 claims filed on or after March 27, 2017, which changed the framework for evaluation 19 of medical opinion evidence. See Revisions to Rules Regarding the Evaluation of Medical 20 Evidence, 2017 WL 168819, 82 Fed. Reg. 5844-01 (Jan. 18, 2017); 20 C.F.R. § 416.920c. The 21 new regulations provide that the ALJ will no longer “give any specific evidentiary weight ... to 22 any medical opinion(s)” but instead must consider and evaluate the persuasiveness of 23 all medical opinions or prior administrative medical findings from medical sources and evaluate 24 their persuasiveness. Revisions to Rules, 2017 WL 168819, 82 Fed. Reg. 5844, at 5867-68; see 25 20 C.F.R. §§ 404.1520c(a) and (b), 416.920c(a) and (b); see also *Woods v. Kijakazi*, 32 F.4th 785, 26 787 (9th Cir. 2022) (“For claims subject to the new regulations, the former hierarchy of medical 27 opinions—in which we assign presumptive weight based on the extent of the doctor’s relationship 28 with the claimant—no longer applies. Now an ALJ’s decision, including the decision to discredit 1 any medical opinion, must simply be supported by substantial evidence.”). 2 The factors for evaluating the persuasiveness of a physician opinion include supportability, 3 consistency, relationship with the claimant (including length of the treatment, frequency of 4 examinations, purpose of the treatment, extent of the treatment, and the existence of an 5 examination), specialization, and “other factors that tend to support or contradict 6 a medical opinion or prior administrative medical finding” (including, but not limited to, 7 “evidence showing a medical source has familiarity with the other evidence in the claim or an 8 understanding of our disability program’s policies and evidentiary requirements”). 20 C.F.R. §§ 9 404.1520c(c)(1)-(5), 416.920c(c)(1)-(5). Supportability and consistency are the most important 10

factors, and therefore the ALJ is required to explain how both factors were considered. 20 C.F.R. §§ 404.1520c(b)(2), 416.920c(b)(2). 12 The Ninth Circuit has confirmed that the new regulatory framework eliminates the 13 “treating physician rule” and displaces the longstanding case law requiring an ALJ to provide 14 “specific and legitimate” or “clear and convincing” reasons for rejecting a treating or examining 15 doctor’s opinion. Woods, 32 F.4th 792. Still, in rejecting any medical opinion as unsupported or 16 inconsistent, an ALJ must provide an explanation supported by substantial evidence. Id. In sum, 17 the ALJ “must ‘articulate ... how persuasive’ [he or she] finds ‘all of the medical opinions’ from 18 each doctor or other source ... and ‘explain how [he or she] considered the supportability and 19 consistency factors’ in reaching these findings.” Id. (citing 20 C.F.R. §§ 404.1520c(b), 20 404.1520(b)(2)). 21 Here, the ALJ did not reject Dr. Hickman’s opinion, but rather found it persuasive. 22 Plaintiff does not argue that the ALJ erred in finding Dr. Hickman’s opinion persuasive, or 23 inappropriately considered the supportability or consistency of the opinion. See generally ECF

24 No. 11 at 10-15. Instead, Plaintiff argues that having found the opinion persuasive, the ALJ did 25 not then properly include the limitations assessed by Dr. Hickman in the RFC. Plaintiff states 26 that “despite assessing the opinion of Dr. Hickman as persuasive; the ALJ then crafted an RFC 27 that did not account for Dr. Hickman’s limitation to one and two step instructions.” ECF No. 11 28 at 12. This is the only portion of Dr. Hickman’s opinion that Plaintiff specifically argues the ALJ 1 failed to include in the RFC. 2 This argument misreads Dr. Hickman’s opinion. Dr. Hickman stated that Plaintiff’s 3 “ability to understand, remember, and carry out simple one or two-step job instructions is not 4 impaired because of his Schizophrenia Spectrum Disorder.” AR 1030 (emphasis added). Thus 5 Dr. Hickman found Plaintiff could perform simple tasks with one or two step instructions, not that 6 he was limited only to such tasks. Dr. Hickman also stated that Plaintiff’s “ability to understand, 7 remember, and carry out detailed, but uncomplicated, job instructions is mildly impaired.” AR 8 1031. An assessment of a limitation as a “mild” impairment is generally indicative of a slight 9 limitation. In the medical source statement of Dr. Hickman, “mild” was defined as “a slight 10 limitation in this area, but the individual can generally function well.” AR 1032. Dr. Hickman 11 indicated no limitation in understanding, remembering, and carrying out simple instructions in the 12 medical source statement. AR 1032. Dr. Hickman explained his assessment by stating that 13 Plaintiff’s “psychotic disorder is fairly well managed at this point with medication” but that he 14 may have periods of decompensation “in which his ability to remember, understand, and carry out 15 instructions could become gravely impaired.” AR 1032. 16 The ALJ found Plaintiff had the RFC to perform “simple, work-related decisions” and 17 was limited to “goal-oriented work (e.g. housekeeper) but is unable to perform at a production 18 rate pace.” AR 25. Based on the vocational expert’s testimony, the ALJ found Plaintiff could 19 perform the requirements of light, unskilled occupations such as: 1) Officer Helper, DOT 20 #239.567.010; 2) Outside Deliverer, DOT # 230.663-010; and 3) Photocopy Machine Operator, 21 DOT # 207.685-014. AR 30-31. The occupation of Officer Helper is

reasoning level 2 and 22 language level 2; Outside Deliverer is reasoning level 2 and language level 1; and Photocopy 23 Machine Operator is reasoning level 2 and language level 1. “Language Level 1 is the lowest 24 language development contemplated by the DOT.” *Obeso v. Colvin*, 2015 WL 10692651, *15 25 (E.D. Cal. April 20, 2015). Plaintiff obtained a GED and attended some junior college courses, 26 and Plaintiff does not contend that Dr. Hickman’s report supports a conclusion that he could not 27 perform jobs at language level 1 and 2. The General Educational Development levels set forth in 28 the DOT also include the reasoning ability required to perform the job, ranging from level 1 1 (requiring the least) to level 6 (requiring the most). *Zavalin v. Colvin*, 778 F.3d 842, 846 (9th Cir. 2 2015). All three occupations identified by the VE that Plaintiff could perform are reasoning level 3 2, the second lowest level. Level 2 reasoning is the ability to “apply[] common sense to carry out 4 detailed but uncomplicated instructions and deal[] with problems involving a few variables. Id. 5 at 847. Level 2 reasoning is consistent with an RFC that limits a claimant to “simple, routine, or 6 repetitive tasks.” Id. 7 As argued by the Commissioner, the ALJ incorporated Hickman’s assessed limitations 8 into the RFC in several ways, including by restricting Plaintiff to: 1) simple work-related 9 decisions; 2) goal oriented work, but not at production rate pace; 3) occasional interaction with 10 supervisors (but can follow directions); 4) occasional interaction with coworkers (but should not 11 engage in teamwork or coordinated work); and 5) occasional interaction with the public. ECF No. 12 16 at 3 citing AR 25. The ALJ “is responsible for translating and incorporating clinical findings 13 into a succinct RFC.” *Rounds v. Comm’r Soc. Sec. Admin.*, 807 F.3d 996, 1006 (9th Cir. 2015) 14 citing *Stubbs-Danielson v. Astrue*, 539 F.3d 1169, 1174 (9th Cir. 2008). 15 Dr. Hickman found that Plaintiff could carry out simple one and two step instructions (AR 16 1030) and that Plaintiff’s “ability to understand, remember, and carry out detailed, but 17 uncomplicated, job instructions is mildly impaired.” AR 1031. These findings by Dr. Hickman 18 are not inconsistent with the RFC, nor are they inconsistent with finding that Plaintiff can perform 19 occupations that are unskilled and have a level 2 reasoning level. The ALJ’s decision is 20 supported by substantial evidence.

21 VII. CONCLUSION

22 Plaintiff had the burden to prove disability before the ALJ. See *Parra v. Astrue*, 481 F.3d 23 742, 746 (9th Cir. 2007) (“The claimant bears the burden of proving steps one through four, 24 consistent with the general rule that at all times, the burden is on the claimant to establish 25 entitlement to disability insurance benefits.”) (cleaned up). Plaintiff sought to exclude from 26 consideration by the ALJ the consultative examination of Dr. Hickman, arguing that it was 27 “inconsistent” and “speculative.” AR 102. Before this Court, Plaintiff changes course and argues 28 that certain limitations assessed by Dr. Hickman that establish his inability to work. This 1 | argument is unconvincing for the reasons stated herein, and Plaintiff has not demonstrated error, 2 | let alone harmful error. See *Buck v. Berryhill*, 869 F.3d 1040, 1048 (9th Cir. 2017) (“The Court 3 || may not reverse an ALJ’s decision on account of a harmless error.”). The Court finds the ALJ’s 4 | decision is supported by substantial evidence. See *Biestek v. Berryhill*, 587 U.S. 97, 103 (2019) 5

|| (substantial evidence “means—and means only such relevant evidence as a reasonable mind 6 ||
might accept as adequate to support a conclusion”) (internal quotation and citation omitted). 7 ||
Accordingly, 8 IT IS HEREBY ORDERED: 9 1. Plaintiff's motion for summary judgment (ECF
No. 11) is DENIED; 10 2. The Commissioner’s cross-motion for summary judgment (ECF No.
16) is 1] GRANTED; and 12 3. The Clerk shall enter Judgment in favor of the Commissioner and
close this case. 13 SO ORDERED. 14 | DATED: September 17, 2025 15
16 SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE
18 19 20 21 22 23 24 25 26 27 28 12