

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Andrew Jacob Marsala v. Frank Bisignano, Commissioner of Social
Security

No. 1:23-cv-01407-JLT-GSA (E.D. Cal. Sept. 29, 2025) · No. 1:23-cv-01407 JLT GSA · Decided September 30,
2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in an action seeking review of the denial of Social Security disability insurance benefits. The court rejected the plaintiff’s objections, concluding that the administrative law judge properly evaluated the medical opinions and sufficiently supported the assessment of the plaintiff’s subjective complaints and residual functional capacity. The court denied the plaintiff’s motion for summary judgment, granted the Commissioner’s request to affirm, and directed entry of judgment for the defendant.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 30, 2025
DOCKET	1:23-cv-01407 JLT GSA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review of the denial of his application for disability insurance benefits. After a magistrate judge recommended affirmance, plaintiff filed objections. The district court conducted de novo review, adopted the findings and recommendations, denied plaintiff's motion for summary judgment, granted the Commissioner's request to affirm, and directed entry of judgment for the Commissioner.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's findings and recommendations de novo under 28 U.S.C. § 636(b)(1), and affirmed the administrative decision because substantial evidence supported the

	ALJ's findings. The court reviewed the ALJ's evaluation of subjective complaints under the clear-and-convincing-reasons standard.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Andrew Jacob Marsala v. Frank Bisignano, Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

summary judgment

civil procedure

PRACTICE AREAS

Social Security disability benefits

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether Marsala's general reliance on arguments from his opening brief constituted a sufficiently specific objection to the magistrate judge's findings and recommendations under Federal Rule of Civil Procedure 72.
2. Whether the ALJ properly evaluated the medical opinions concerning Marsala's mental impairments.
3. Whether the ALJ provided legally sufficient reasons for discounting Marsala's subjective complaints.
4. Whether substantial evidence supported the administrative decision denying disability insurance benefits.

HOLDINGS

1. A plaintiff's general reliance on arguments made in an opening brief, without specifically addressing the magistrate judge's findings, does not constitute a sufficiently specific objection under Federal Rule of Civil Procedure 72.
2. A claimant challenging an RFC determination must identify the specific limitations that the ALJ allegedly failed to include; merely summarizing testimony and the ALJ's findings or providing a general comparison point is insufficient.
3. The ALJ properly discounted Marsala's subjective statements because the ALJ identified clear and convincing reasons supported by the record, including conservative treatment, failure to pursue more aggressive treatment, activity level, and conflicts with objective medical evidence.
4. The ALJ properly evaluated the persuasiveness of the medical opinions and the administrative decision was supported by substantial evidence.

KEY QUOTATIONS

“The Court is unable to speculate as to the limitations Plaintiff believes the ALJ should have incorporated into the RFC from his testimony.” (at 2)

“The Court must affirm the administrative decision because substantial evidence supports the ALJ’s findings.” (at 3)

FACTUAL BACKGROUND

Marsala applied for a period of disability and disability insurance benefits based in part on mental impairments. The ALJ evaluated the medical opinions, Marsala's subjective statements, and the residual functional capacity, considering conservative treatment, failure to pursue more aggressive treatment, activity level, and conflicts with objective medical evidence. Marsala challenged the evaluation of the medical opinions and subjective complaints but did not identify the specific additional work limitations he believed should have been included in the RFC.

PROCEDURAL HISTORY

The Social Security Administration denied Marsala's application for a period of disability and disability insurance benefits under Title II of the Social Security Act. The magistrate judge concluded that the administrative law judge properly evaluated the medical opinions and plaintiff's subjective complaints and recommended affirmance. The district court rejected plaintiff's objections, adopted the findings and recommendations in full, affirmed the administrative decision, entered judgment for the Commissioner, and closed the case.

DISPOSITION

affirmed

CASES CITED

- Grizzle v. County of San Diego, 2020 WL 4746211, at *2 (S.D. Cal. Aug. 17, 2020)
- Condit v. Comm’r of Soc. Sec. Admin., 2022 WL 3644095, at *2 (D. Ariz. Aug. 23, 2022)
- Green v. Garland, 2022 WL 2965634, at *2 (D.S.C. July 27, 2022)
- Valentine v. Comm’r of SSA, 574 F.3d 685, 692 n.2 (9th Cir. 2009)
- Indep. Towers of Wash. v. Washington, 350 F.3d 925, 929 (9th Cir. 2003)
- United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991)
- Juarez v. Colvin, 2014 WL 1155408 at *6 (C.D. Cal. Mar. 20, 2014)
- Hansen v. Berryhill, 2018 WL 721660, at *4 (W.D. Wash. Feb. 6, 2018)
- Smartt v. Kijakazi, 53 F.4th 489, 499-500 (9th Cir. 2022)
- Fair v. Bowen, 885 F.2d 597, 603 (9th Cir. 1989)
- Moisa v. Barnhart, 367 F.3d 882, 885 (9th Cir. 2004)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 ANDREW JACOB MARSALA, Case No. 1:23-cv-1407 JLT GSA 12

Plaintiff, ORDER ADOPTING THE FINDINGS AND RECOMMENDATIONS, DENYING 13 v. PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND GRANTING 14 FRANK BISIGNANO, DEFENDANT'S REQUEST TO AFFIRM Commissioner of Social Security1 15 ORDER DIRECTING ENTRY OF Defendant.

JUDGMENT IN FAVOR OF DEFENDANT 16 AND AGAINST PLAINTIFF 17 (Docs. 15, 17 & 18) 18 Andrew Jacob Marsala seeks judicial review of the administrative decision to deny his 19 application for a period of disability and disability insurance benefits under Title II of the Social 20 Security Act. (Docs. 1, 15.) Plaintiff contends the administrative law judge erred in evaluating 21 the medical opinions related to his mental impairments and "failed to offer any reason for 22 rejecting Plaintiff's subjective complaints." (See Doc.

15 at 2, 3-10.) The Commissioner asserts 23 the Court should affirm the administrative decision. (Doc. 17.) 24 The magistrate judge found the ALJ properly considered the supportability and 25 consistency of the medical opinions and evidence related to Plaintiff's mental impairments. (Doc. 26 18 at 4-9.)

In addition, the magistrate judge determined there was "no basis to remand the matter 27 1 Frank Bisignano became the Commissioner of Social Security on May 6, 2025. Pursuant to Rule 25(d) 1 for further evaluation of [Plaintiff's] subjective complaints." (Id. at 11; see also id. at 9-10.)

The 2 magistrate judge recommended the Court deny Plaintiff's motion for summary judgment, affirm 3 the ALJ's decision, and enter judgment in favor of the Commissioner. (Id. at 12.) 4 Plaintiff filed timely objections, asserting the Court should decline the Findings and 5 Recommendations. (Doc. 19.) Plaintiff "relies upon the arguments set forth in his opening brief" 6 related to the medical opinions.

(Id. at 1-2.) Plaintiff contends the magistrate judge 7 mischaracterized the opening brief in finding Plaintiff did not identify what work limitations he 8 believed should be included in the residual functional capacity, because he summarized the 9 testimony and the ALJ's findings. (Id. at 2.) Plaintiff contends this was sufficient to "provide a 10 comparison point." (Id.)

11 Plaintiff's reliance upon his opening brief does not state a sufficiently specific objection— 12 as required by Rule 72—because it does not address the findings of the magistrate judge. See 13 Fed. R. Civ. P. 72; see also *Grizzle v. County of San Diego*, 2020 WL 4746211, at *2 (S.D. Cal. 14 Aug. 17, 2020) (finding an "attempt to incorporate by reference prior arguments is not proper" as 15 an objection to findings and recommendations); *Condit v. Comm'r of Soc.*

Sec. Admin, 2022 WL 16 3644095, at *2 (D. Az. Aug. 23, 2022) (finding that where the plaintiff indicated he "reasserts and 17 relies upon the arguments set forth in his Opening Brief," the plaintiff did not raise a proper 18 objection, because review by the district judge "is not a blanket

do-over”); *Green v. Garland*, 19 2022 WL 2965634, at *2 (D.S.C. July 27, 2022) (“a specific objection requires more than a 20 reassertion of arguments”).

Plaintiff also fails to show the magistrate judge erred in addressing his 21 subjective complaint and the RFC. Previously, the Ninth Circuit “reject[ed] any invitation to find 22 that the ALJ failed to account for [the claimant’s] injuries in some unspecified way” where the 23 RFC included several limitations and the plaintiff “failed to identify” what other limitations 24 followed from his impairments, aside from those “already listed in the RFC.” *Valentine v. 25 Comm’r of SSA*, 574 F.3d 685, 692 n.2 (9th Cir.

2009) (emphasis added). As courts have 26 repeatedly explained, “judges are not like pigs, hunting for truffles buried in briefs.” *Indep. 27 Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (quoting *United States v. 1* limitations a claimant believes should have been incorporated into an RFC is fatal to a claimant’s 2 challenge of the RFC. See, e.g., *Juarez v. Colvin*, 2014 WL 1155408 at *6 (C.D.

Cal. Mar. 20, 3 2014) (rejecting an argument that the ALJ erred in evaluating the claimant’s limitations where the 4 plaintiff did not specify additional limitations the ALJ failed to consider); *Hansen v. Berryhill*, 5 2018 WL 721660, at *4 (W.D. Wash. Feb. 6, 2018) (“Although Plaintiff argues that the ALJ 6 erred in failing to account for the limitations caused by his ADHD in the RFC assessment, he 7 does not identify which limitations were erroneously omitted, and has thus failed to state an 8 allegation of error in the RFC assessment with the requisite specificity”).

Providing “a 9 comparison point” is not sufficient, as Plaintiff suggests. The Court is unable to speculate as to 10 the limitations Plaintiff believes the ALJ should have incorporated into the RFC from his 11 testimony. 12 The ALJ invoked several reasons to discount Plaintiff’s subjective statements, including 13 the conservative treatment Plaintiff received, the failure to pursue more aggressive treatment, his 14 level of activity, and conflicts with the objective medical evidence.

(Doc. 12-2 at 47-48.) Review 15 of the record shows these are each clear and convincing reasons to discount the subjective 16 statements. See, e.g., *Smartt v. Kijakazi*, 53 F.4th 489, 499-500 (9th Cir. 2022) (finding the ALJ 17 identified “clear and convincing” reasons to reject the claimant’s statements when discussing the 18 objective medical evidence, her level of activity, and the “generally conservative treatment 19 plan”); *Fair v. Bowen*, 885 F.2d 597, 603 (9th Cir.

1989) (identifying factors the ALJ may 20 consider to assess a claimant’s subjective statements). The ALJ carried the burden to set forth 21 findings “sufficiently specific to allow a reviewing court to conclude the ALJ rejected the 22 claimant’s testimony on permissible grounds.” *Moisa v. Barnhart*, 367 F.3d 882, 885 (9th Cir. 23 2004). 24 According to 28 U.S.C. § 636(b)(1), the Court performed a de novo review of this case.

25 Having carefully reviewed the entire matter—including Plaintiff’s objections and the 26
Commissioner’s response—the Court concludes the findings of the magistrate judge are 27
supported by the record and proper analysis.

The ALJ properly evaluated the medical opinions 1 || persuasiveness. In addition, Plaintiff fails to
show the ALJ erred in evaluating his subjective 2 || complaints. The Court must affirm the
administrative decision because substantial evidence 3 || supports the ALJ’s findings.

Thus, the Court ORDERS: 4 1. The Findings and Recommendations (Doc. 18) are ADOPTED in
full. 5 2. Plaintiff’s motion for summary judgment (Doc. 15) is DENIED. 6 3. Defendant’s request
to affirm the administrative decision (Doc. 17) is 7 GRANTED. 8 4.

The Clerk of Court is directed to terminate pending motions; enter judgment in 9 favor of
Defendant Frank Bisignano, Commissioner of Social Security, and against 10 Plaintiff Andrew
Jacob Marsala; and to close this case. 11 IT IS SO ORDERED. 3 Dated: _ September 29, 2025
Cerin | Tower TED STATES DISTRICT JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28