

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Alicia Madrigal Barraza v. Commissioner of Social Security

Madrigal Barraza · No. 1:21-cv-0790 JLT BAM · Decided June 12, 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 disability insurance benefits and supplemental security income. The court denied Plaintiff Alicia Madrigal Barraza’s motion for summary judgment and granted the Commissioner’s request to affirm, concluding that any step-two error was harmless and that challenges concerning development of the mental-health record were waived or unsupported. The court directed entry of judgment for the Commissioner and closure of the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 12, 2025
DOCKET	1:21-cv-0790 JLT BAM
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review of the Commissioner's final decision denying disability insurance benefits and supplemental security income. After a magistrate judge issued findings and recommendations, plaintiff objected, and the district court conducted de novo review and adopted the findings and recommendations.
STANDARD OF REVIEW	The district court conducted de novo review under 28 U.S.C. § 636(b) (1) of the magistrate judge's findings and recommendations. In reviewing the administrative decision, the court considered whether the ALJ committed harmful error, including whether any step-two error was prejudicial and whether the record was inadequate or ambiguous such that the ALJ had a duty to develop it further.
PRECEDENTIAL VALUE	unpublished
PARTIES	Alicia Madrigal Barraza v. Frank Bisignano, Commissioner of Social Security

TOPICS

judicial review of agency action

summary judgment

waiver

administrative law

civil procedure

PRACTICE AREAS

Social Security disability

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether any error by the ALJ in finding plaintiff's hiatal hernia and bilateral foot impairments non-severe at step two required remand.
2. Whether plaintiff waived her argument that the ALJ was required to obtain a consultative mental examination or otherwise develop the record by failing to raise the issue during the administrative proceedings.
3. Whether the record was inadequate or ambiguous such that the ALJ had a duty to develop it further concerning plaintiff's mental impairments.
4. Whether the magistrate judge's findings and recommendations should be adopted and the administrative decision affirmed.

HOLDINGS

1. A represented claimant must raise issues and evidence during the administrative proceedings to preserve them for judicial review. Because plaintiff did not raise the need for a consultative mental examination before the ALJ, she waived that challenge.
2. Plaintiff failed to establish that the record was inadequate or ambiguous, and therefore failed to show that the ALJ had a duty to develop the record further or obtain a consultative mental examination.
3. Any assumed error in finding plaintiff's hiatal hernia and bilateral foot impairments non-severe at step two was harmless and did not warrant remand because the ALJ considered those impairments and their resulting limitations at later stages of the sequential evaluation, including in determining residual functional capacity.

KEY QUOTATIONS

“when claimants are represented by counsel, they must raise all issues and evidence at their administrative hearings in order to preserve them on appeal.” (opinion at 3)

“The inquiry at step two is a de minimus screening “to dispose of groundless claims.”” (opinion at 4)

FACTUAL BACKGROUND

Alicia Madrigal Barraza applied for disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act. She alleged that the ALJ erred by treating her hiatal hernia and bilateral foot pain as non-severe impairments and by failing to develop the record concerning her depression. The ALJ considered medical opinions, treatment records, and plaintiff's testimony concerning pain and mental impairments, including an opinion from her treating physician and treatment notes addressing depression.

PROCEDURAL HISTORY

Plaintiff challenged the administrative denial of her Social Security disability applications, arguing that the ALJ improperly found her hiatal hernia and bilateral foot pain non-severe at step two and failed to develop the record concerning depression. The magistrate judge recommended denying plaintiff's motion for summary judgment and affirming the administrative decision. The district court overruled plaintiff's objections, adopted the findings and recommendations, denied plaintiff's motion, granted the Commissioner's request to affirm, and directed entry of judgment for the defendant.

DISPOSITION

affirmed

CASES CITED

- Kessler v. O'Malley, 2024 WL 1908078, at *5 (E.D. Cal. May 1, 2024)
- Teague v. Astrue, 2010 WL 5094252, at *5 (C.D. Cal. Dec. 7, 2010)
- Meanel v. Apfel, 172 F.3d 1111, 1115 (9th Cir. 1999)
- Shaibi v. Berryhill, 883 F.3d 1102, 1109 (9th Cir. 2018)
- King v. Commissioner of Social Security, 2024 WL 1257331, at *7 (E.D. Cal. Mar. 25, 2024)
- Brandon G.M. v. Kijakazi, 2022 U.S. Dist. LEXIS 95848, at *10 (C.D. Cal. May 26, 2022)
- Hahn v. Berryhill, 2017 WL 2927151, at *4 (D. Or. June 30, 2017)
- Gonzalez v. Kijakazi, No. 1:21-CV-01676-SKO, 2023 WL 6164086, at *6 (E.D. Cal. Sept. 21, 2023)
- Smolen v. Chater, 80 F.3d 1273, 1290 (9th Cir. 1996)
- Burch v. Barnhart, 400 F.3d 676, 682 (9th Cir. 2005)
- Buck v. Berryhill, 869 F.3d 1040, 1049 (9th Cir. 2017)

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