

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dillan Lucas Keeney v. Commissioner of Social Security

No. 1:25-cv-00467-JLT-GSA · No. 1:25-cv-00467-JLT-GSA · Decided January 15, 2026

SUMMARY

This document contains findings and recommendations in a Social Security disability benefits action brought by Dillan Lucas Keeney against the Commissioner of Social Security. The magistrate judge recommends denying Plaintiff's motion for summary judgment, affirming the Commissioner's decision, and directing entry of judgment for the Commissioner. The analysis addresses the ALJ's evaluation of medical opinions, residual functional capacity, subjective complaints, and the materiality of Plaintiff's substance use disorder.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 15, 2026
DOCKET	1:25-cv-00467-JLT-GSA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. §§ 405(g) and 1383(c) (3) of the Commissioner's decision denying SSDI and SSI benefits. The magistrate judge recommended denying plaintiff's motion for summary judgment, granting the Commissioner's cross-motion, affirming the Commissioner's decision, and entering judgment for the Commissioner.
STANDARD OF REVIEW	The court may set aside the Commissioner's decision only if it is based on legal error or is not supported by substantial evidence in the record as a whole. Substantial evidence is more than a scintilla but less than a preponderance. The court must consider the entire record, may not substitute its judgment where the evidence reasonably supports two conclusions, and must disregard harmless error.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; no reporter citation or precedential designation appears.

PARTIES

Dillan Lucas Keeney v. Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

summary judgment

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PRACTICE AREAS

Social Security disability

administrative law

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QUESTIONS PRESENTED

1. Whether the ALJ properly evaluated the medical opinions of Dr. Portnoff and Dr. Arnold under the applicable supportability and consistency factors.
2. Whether the ALJ's residual functional capacity determination was supported by substantial evidence.
3. Whether plaintiff waived, or alternatively failed on the merits, his challenge to the ALJ's evaluation of his subjective symptom testimony.
4. Whether the ALJ properly determined under 20 C.F.R. § 416.935 that plaintiff's substance use disorder was a material contributing factor to disability.

HOLDINGS

1. The ALJ reasonably discounted Dr. Portnoff's marked limitations because they were unsupported by his own examination findings and inconsistent with the longitudinal treatment record, while accepting the limitation to simple, repetitive tasks.
2. The ALJ reasonably accepted the moderate limitations in Dr. Arnold's opinion but rejected the marked limitation concerning completion of a normal workday or workweek without psychiatric interruptions.
3. Plaintiff waived his challenge to the ALJ's evaluation of subjective complaints by failing to identify specific testimony, findings, or harmful error; alternatively, the challenge failed because the RFC reasonably accounted for the supported limitations.
4. The ALJ properly determined that plaintiff's substance use disorder was a contributing factor material to the disability determination because plaintiff would not be disabled absent that disorder.

KEY QUOTATIONS

"A capacity for simple, repetitive tasks is persuasive as this is generally supported by the psychologist's exam in which moderate rambling was noted. However, the marked limitations are not persuasive as they are not supported by that exam." (AR 2190)

"By failing to argue specifically how the ALJ purportedly erred, Plaintiff has waived a challenge to the ALJ's assessment of the subjective evidence." (Subjective Complaints section)

"That the decision of the Commissioner of Social Security be AFFIRMED." (Recommendation)

FACTUAL BACKGROUND

Plaintiff alleged disability from physical and mental impairments, including shoulder and cervical spine conditions, gastrointestinal disorders, chronic kidney disease, bipolar or major depressive disorder, anxiety, PTSD, and substance use disorder. The ALJ found that plaintiff retained a restricted light-work residual functional capacity and could not perform his past work. The ALJ determined that substance use disorder was material to the finding of disability because, absent substance use, plaintiff could perform jobs existing in significant numbers in the national economy. The court concluded that the ALJ reasonably evaluated the medical opinions and accounted for the supported limitations in the RFC.

PROCEDURAL HISTORY

Plaintiff applied for SSDI and SSI in 2018, alleging disability beginning January 1, 2015. After initial and reconsideration denials, an ALJ issued an unfavorable decision in 2020; the Appeals Council denied review, and this court remanded the matter to the agency pursuant to stipulation on May 24, 2022. Following a second hearing, the ALJ again denied benefits on November 1, 2023. Plaintiff then sought judicial review, challenging the treatment of medical opinions and his subjective complaints. These findings and recommendations recommended affirmance and were subject to objections within fourteen days.

DISPOSITION

affirmed

CASES CITED

- Tackett v. Apfel, 180 F.3d 1094, 1097 (9th Cir. 1999)
- Richardson v. Perales, 402 U.S. 389, 401 (1971)
- Saelee v. Chater, 94 F.3d 520, 522 (9th Cir. 1996)
- Robbins v. Social Security Admin., 466 F.3d 880, 882 (9th Cir. 2006)
- Jamerson v. Chater, 112 F.3d 1064, 1066 (9th Cir. 1997)
- Tommasetti v. Astrue, 533 F.3d 1035, 1038 (9th Cir. 2008)
- Garrison v. Colvin, 759 F.3d 995, 1011, 1014 (9th Cir. 2014)
- Woods v. Kijakazi, 2022 WL 1195334, at *6 (9th Cir. Apr. 22, 2022)
- Henry v. Colvin, 2016 WL 164956, at *18 (E.D. Cal. Jan. 14, 2016)
- Keller v. Colvin, 2014 WL 130493, at *3 (E.D. Cal. Jan. 13, 2014)
- McLain v. Astrue, 2011 WL 2174895, at *6 (C.D. Cal. 2011)
- Rose M. E. v. Saul, 2021 WL 1612091, at *3 (C.D. Cal. Apr. 26, 2021)
- Burrell v. Colvin, 775 F.3d 1133, 1136 (9th Cir. 2015)
- Smolen v. Chater, 80 F.3d 1273, 1281-82 (9th Cir. 1996)
- Rollins v. Massanari, 261 F.3d 853, 857 (9th Cir. 2001)
- Ferguson v. O'Malley, 95 F.4th 1194, 1200 (9th Cir. 2024)
- Towers of Wash. v. Wash., 350 F.3d 925, 929 (9th Cir. 2003)

- Lewis v. Comm'r of Soc. Sec., No. 121CV01243ADASAB, 2023 WL 2182464, at *12 (E.D. Cal. Feb. 23, 2023)
- Carlos v. Comm'r of Soc. Sec., No. 1:21-CV-00517-SAB, 2023 WL 1868870, at *13 (E.D. Cal. Feb. 9, 2023)
- Villafan v. Comm'r of Soc. Sec., No. 1:17-CV-01229-SAB, 2018 WL 2734914, at *8 (E.D. Cal. June 5, 2018)
- Bowen v. Yuckert, 482 U.S. 137, 146 (1987)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

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