

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

Kristin Watson v. Commissioner of Social Security

Watson · No. 1:21-cv-01717-ADA-HBK · Decided March 7, 2023

OPINION

(SS) Watson 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 KRISTIN WATSON, Case No. 1:21-cv-01717-ADA-HBK 12 Plaintiff, ORDER
ADOPTING FINDINGS AND

RECOMMENDATIONS, DENYING

13 v. PLAINTIFF’S MOTION FOR SUMMARY

JUDGMENT, GRANTING DEFENDANT’S

14 COMMISSIONER OF SOCIAL CROSS-MOTION FOR SUMMARY

SECURITY, JUDGMENT, AND AFFIRMING THE

15 DECISION OF THE COMMISSIONER OF

Defendant. SOCIAL SECURITY 16 (ECF Nos. 17, 18, 20) 17 18 Plaintiff Kristin Watson
 (“Plaintiff”) initiated this action seeking judicial review of a final 19 decision of the
 Commissioner of Social Security. (ECF No. 1). This matter was referred to a 20 United States
 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c)(15). 21 (E.D. Cal.
 2022). 22 On January 9, 2023, the assigned Magistrate Judge issued findings and
 recommendations 23 recommending that Plaintiff’s motion for summary judgment be denied,
 Defendant’s cross-motion 24 for summary judgment be granted, the Commissioner’s decision be
 affirmed. (ECF No. 20). The 25 findings and recommendations contained a notice that any
 objections were due within fourteen 26 days. (Id. at 1, 12). On January 23, 2023, Plaintiff timely
 filed objections to the findings and 27 recommendations that largely reiterate the arguments made
 in her opening brief. (ECF No. 21). 28 /// 1 In accordance with the provisions of 28 U.S.C. § 636
 (b)(1)(C), the Court has conducted a 2 de novo review of this case. Having carefully reviewed the
 entire file, including Plaintiff’s 3 objections, the Court concludes that the Magistrate Judge’s
 findings and recommendations are 4 supported by the record and proper analysis. 5 In her
 objections, Plaintiff argues that the Court should reject the Magistrate Judge’s finding 6 that the
 ALJ properly evaluated Plaintiff’s subjective complaints. (See ECF No. 21.) Plaintiff 7 reiterates
 her arguments made in her motion for summary judgment that the ALJ may not discredit 8

Plaintiff's testimony as to the severity of symptoms merely because they are unsupported by 9 objective medical evidence, citing to *Bunnell v. Sullivan*, 947 F.2d 341, 347-48 (9th Cir. 1991). 10 (Id. at 2.) Plaintiff further contends that the ALJ failed to support the assumption that the 11 description of her symptoms as "moderately severe" is inconsistent with Plaintiff's alleged degree 12 of functional limitations caused by those symptoms. (Id. at 3.) In *Bunnell*, the court held that pain 13 need not be corroborated by objective medical findings, but some impairment must be medically 14 ascertained. *Bunnell*, 947 F.2d at 347-48. The Court finds that Plaintiff did not have to corroborate 15 her alleged pain with objective medical findings, but Plaintiff must also demonstrate that the 16 impairment is medically ascertained. Thus, the Court adopts the Magistrate Judge's findings and 17 recommendations, which conclude that the ALJ explicitly recognized evidence in the record that 18 could be considered more favorable to Plaintiff, including her own testimony and objective medical 19 records. Upon review of the administrative record, the Court finds that the ALJ indeed considered 20 Plaintiff's testimony and did not discredit it. (ECF No. 11-1 at 22, 26.) As explained in detail, the 21 ALJ considered numerous medical professionals' findings with respect to Plaintiff conditions. (See 22 ECF No. 20 at 8-9.) Therefore, the Court adopts the Magistrate Judge's findings and 23 recommendations in full. 24 ///

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1 ACCORDINGLY,

2 1. The findings and recommendations issued on January 9, 2023, (ECF No. 20), are 3 adopted in full; 4 2. Plaintiff's Motion for Summary Judgment, (ECF No. 17), is DENIED; 5 3. Defendant's Motion for Summary Judgment, (ECF No. 18), is GRANTED and the 6 decision of the Commissioner of Social Security is AFFIRMED; and 7 4. The Clerk shall enter judgment in favor of Defendant, terminate any deadlines, and close 8 this case. 9 10 11 | TPIS SO ORDERED. 12 Dated: _ March 7, 2023

3 UNITED STATES DISTRICT JUDGE

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