

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Hernandez v. Commissioner of the Social Security Administration

No. 23cv2087-GPC(MMP) (S.D. Cal. May 2, 2025) · No. 23cv2087-GPC(MMP) · Decided May 2, 2025

SUMMARY

The United States District Court for the Southern District of California denied Plaintiff Maria H.'s motion under Federal Rule of Civil Procedure 59(e) to alter or amend the court's order affirming the Commissioner's denial of Social Security benefits. The court held that it had not clearly erred in applying Woods v. Kijakazi to the ALJ's treatment of mild mental limitations and declined to consider a new argument concerning an alleged inconsistency in the ALJ's findings. The court also vacated the hearing set for May 23, 2025.

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	May 2, 2025
DOCKET	23cv2087-GPC(MMP)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 59(e) to alter or amend the court's prior order affirming the Commissioner's denial of disability benefits.
STANDARD OF REVIEW	A Rule 59(e) motion is appropriate upon newly discovered evidence, clear error or manifest injustice, or an intervening change in controlling law. The district court has considerable discretion in deciding the motion, and reconsideration is an extraordinary remedy to be used sparingly.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Maria H. v. Commissioner of the Social Security Administration

TOPICS

- motion for reconsideration
- judicial review of agency action
- administrative law
- civil procedure
- ada / disability

PRACTICE AREAS

civil procedure

administrative law

Social Security disability benefits

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the requirements for relief under Federal Rule of Civil Procedure 59(e) by showing newly discovered evidence, clear error or manifest injustice, or an intervening change in controlling law.
2. Whether the court clearly erred in applying *Woods v. Kijakazi* to the administrative law judge's treatment of Plaintiff's mild mental limitations in the residual functional capacity analysis.
3. Whether Plaintiff could raise on reconsideration an alleged inconsistency concerning the administrative law judge's treatment of depression that was not raised in the merits briefing.

HOLDINGS

1. The court did not clearly err in affirming the Commissioner's decision because the administrative law judge used language indicating that the residual functional capacity reflected the assessed mental limitations and also provided reasoning supporting the conclusion that Plaintiff's mild mental impairments were non-severe and caused no more than minimal limitations. The motion to reconsider was therefore denied.
2. A Rule 59(e) motion may not be used to raise arguments or claims for the first time when they reasonably could have been raised earlier in the litigation. The court therefore declined to address Plaintiff's newly raised argument concerning an alleged inconsistency in the administrative law judge's findings.

KEY QUOTATIONS

"A Rule 59(e) motion is an 'extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.'" (at 1)

"A Rule 59(e) motion may not raise new arguments or claims not raised in the previous motion." (at 2)

FACTUAL BACKGROUND

Plaintiff sought judicial review of the Commissioner's denial of disability insurance benefits and supplemental security income. In affirming the Commissioner's decision, the district court concluded that the administrative law judge adequately considered Plaintiff's mild mental limitations, found them non-severe, and explained why they did not require inclusion in the residual functional capacity or vocational-expert hypotheticals. Plaintiff later argued that the court had misapplied *Woods v. Kijakazi* and raised an alleged inconsistency concerning the characterization of depression and mental impairments.

PROCEDURAL HISTORY

Plaintiff filed an amended complaint seeking review of the Commissioner's final decision denying disability insurance benefits and supplemental security income. A magistrate judge issued a report and recommendation

recommending reversal and remand, but no objections were filed. The district court declined to adopt the recommendation and affirmed the Commissioner's decision on March 20, 2025. Plaintiff then moved to alter or amend that order under Rule 59(e), and the court denied the motion.

DISPOSITION

other

CASES CITED

- School District No. 1J, Multnomah County, Oregon v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993)
- Smith v. Clark County School District, 727 F.3d 950, 955 (9th Cir. 2013)
- United States v. U.S. Gypsum Co., 333 U.S. 364, 395 (1948)
- Wood v. Ryan, 759 F.3d 1117, 1121 (9th Cir. 2014) (per curiam)
- Kona Enterprises, Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- Turner v. Burlington Northern Santa Fe Railroad Co., 338 F.3d 1058, 1063 (9th Cir. 2003)
- Woods v. Kijakazi, 32 F.4th 785 (9th Cir. 2022)
- 389 Orange Street Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 MARIA H., Case No.: 23cv2087-GPC(MMP) 12 Plaintiff, ORDER
DENYING PLAINTIFF’S 13 v. MOTION TO ALTER OR AMEND ORDER 14
COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION, 15 [Dkt. No. 24.]
Defendant. 16 17 Before the Court is Plaintiff Maria H.’s (“Plaintiff”) motion to alter or amend
order 18 and judgment in this case pursuant to Federal Rule of Civil Procedure 59(e).

(Dkt. No. 19 24.) Defendant Commissioner of Social Security Administration filed an opposition.
20 (Dkt. No. 30.) No reply was filed. Based on the reasoning below, the Court DENIES 21
Plaintiff’s motion to alter or amend the Court’s order filed on March 20, 2025. 22 Background 23
On December 4, 2023, Plaintiff Maria H. (“Plaintiff”) filed an amended complaint 24 seeking
review of the Commissioner of Social Security’s final decision denying her 25 application for
disability insurance benefits under Title II and supplemental security 26 income under Title XVI of
the Social Security Act.

(Dkt. No. 5.) After full briefing by 27 the parties, on January 24, 2025, the Magistrate Judge issued
a report and 28 1 recommendation that the Court reverse the Commissioner’s decision and remand
the case 2 for further proceedings. (Dkt. No. 19.) No objections were filed.

On March 20, 2025, 3 the Court declined to adopt the report and recommendation and affirmed the
4 Commissioner’s decision. (Dkt. No. 20.) The Court found that the ALJ did not err in 5 failing to

account for Plaintiff's mild mental limitations, that are non-severe, in the 6 residual functional capacity analysis, and accordingly, the ALJ did not err when he did 7 not include those mild mental limitations in the hypothetical questions posed to the 8 vocational expert.

(Id. at 13-14.) 9 Discussion 10 A. Legal Standard Federal Rule of Civil Procedure 59(e) 11 Under Federal Rule of Civil Procedure ("Rule") 59(e), reconsideration is 12 "appropriate if the district court (1) is presented with newly discovered evidence; (2) 13 committed clear error or the initial decision was manifestly unjust, or (3) if there is an 14 intervening change in controlling law." Sch.

Dist. No. 1J, Multnomah County, Or. v. 15 ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993); see also Smith v. Clark Cnty. Sch. Dist., 16 727 F.3d 950, 955 (9th Cir. 2013). A court commits clear error when "the reviewing 17 court on the entire record is left with the definite and firm conviction that a mistake has 18 been committed." Smith, 727 F.3d at 955 (quoting United States v. U.S. Gypsum Co., 19 333 U.S. 364, 395 (1948)). "[A] Rule 59(e) motion is an 'extraordinary remedy, to be 20 used sparingly in the interests of finality and conservation of judicial resources.'" Wood 21 v. Ryan, 759 F.3d 1117, 1121 (9th Cir.

2014) (per curiam) (quoting Kona Enters., Inc. v. 22 Est. of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)). A motion for reconsideration cannot 23 "be used to raise arguments or present evidence for the first time when they could 24 reasonably have been raised earlier in the litigation." Kona Enters., Inc., 229 F.3d at 890. 25 "A district court has considerable discretion" when considering a Rule 59(e) motion.

26 Turner v. Burlington N. Santa Fe R.R. Co., 338 F.3d 1058, 1063 (9th Cir. 2003). 27 /// 28 ///
1 B. Analysis 2 Plaintiff argues the Court committed clear error by misapplying the holding in 3 Woods v. Kijakazi, 32 F.4th 785 (9th Cir. 2022). (Dkt. No. 24-1 at 3-4.) According to 4 Plaintiff, the Court improperly held that an ALJ does not need to incorporate mild mental 5 limitations into the RFC as long as the ALJ uses boilerplate language stating that the 6 "following residual functional capacity assessment reflects the degree of limitation the 7 undersigned has found in the 'paragraph B' mental function analysis." (Dkt.

No. 24-1 at 8 3.) Instead, Plaintiff argues, in Woods, the Ninth Circuit conducted a two-pronged 9 assessment. First, the court alluded to boilerplate language that the mental limitations 10 found in the paragraph B analysis have been accounted for in the RFC.

Second, the court 11 noted that the ALJ also characterized the medical evidence as "not reflect[ing] any 12 significant complaint of mental health symptoms." (Id. at 4.) Therefore, according to 13 Defendant, the ALJ stated that the mild limitations were accounted for and also explained 14 why no limitations for the mild mental limitations were accounted for." (Id.)

Defendant 15 contends that the Court properly applied Woods. (Dkt. No. 30 at 2-4.) 16 Contrary to Plaintiff's argument, the Court did not conclude that an ALJ does not 17 need to incorporate mild

mental limitations into the RFC as long as the ALJ uses 18 boilerplate language. (See Dkt. No. 20 at 13.) Instead, the Court recognized district 19 courts that have made that conclusion.

(Id. at 8-9.) 20 Further, Plaintiff appears to overlook the Court's ruling that not only did the ALJ 21 in this case use boilerplate language that the RFC reflects the mental degree of limitation 22 it assessed at step two, but also considered and provided reasoning to support his 23 conclusion that Plaintiff's mental impairments are nonsevere and do not cause more than 24 a minimal limitation in Plaintiff's ability to do basic work activities.

(Dkt. No. 12, 25 Administrative Record ("AR") 177-78.) The ALJ in this case did what the ALJ in Woods 26 did and provided reasoning to support why he did not include mild mental impairments 27 into the RFC analysis.

Thus, the Court DENIES Plaintiffs' motion for reconsideration on 28 this ground. 1 Additionally, Plaintiff argues that the Court erred because it failed to recognize an 2 ||internal inconsistency where, on the one hand, the ALJ listed depression as a severe 3 ||impairment, but after review of the records, the ALJ then found that she did not have a 4 ||severe mental impairment.

(AR 176.) This issue is being raised for the first time as 5 || Plaintiff did not raise this issue in her briefing on the merits. A motion for 6 || reconsideration may not raise new arguments or claims not raised in the previous motion. 7 || See 389 Orange Street Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999) ("Raising 8 argument... in his motion for reconsideration was simply too little, too late."); Kona 9 || Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir.

2000) ("A Rule 59(e) motion 10 || may not be used to raise arguments or present evidence for the first time when they could 11 ||reasonably have been raised earlier in the litigation") (emphasis in original) (citing 389 12 || Orange Street Partners, 179 F.3d at 665).

The Court declines to address Plaintiffs 13 argument which was raised for the first time on a motion for reconsideration when she 14 || could have raised it in the prior merits briefing. 15 Accordingly, the Court DENIES Plaintiff's motion for reconsideration. 16 Conclusion 17 Based on the above, the Court DENIES Plaintiff's motion to alter or amend the 18 || Court's order and judgment.

The hearing set on May 23, 2025 shall be vacated. 19 IT IS SO ORDERED. 20 Dated: May 2, 2025 21 Hon. the Cae 2 United States District Judge 23 24 25 26 27 28