

MAR 20 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NICKI GARLAND,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration

Defendant - Appellee.

No. 07-16741

D.C. No. CV-06-01105-CMK

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Craig M. Kellison, Magistrate Judge, Presiding

Submitted March 12, 2009\*\*  
San Francisco, California

Before: McKEOWN and IKUTA, Circuit Judges, and WALTER,\*\*\* Senior District  
Judge.

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without  
oral argument. See Fed. R. App. P. 34(a)(2).

\*\*\* The Honorable Donald E. Walter, Senior United States District Judge  
for the Western District of Louisiana, sitting by designation.

Nicki Garland challenges the determination by the Administrative Law Judge (“ALJ”) that she is not eligible to receive disability benefits under the Social Security Act. We review de novo a district court’s order affirming the decision of the ALJ on disability benefits. *Edlund v. Massanari*, 253 F.3d 1152, 1156 (9th Cir. 2001). The ALJ may be reversed only if his decision is unsupported by substantial evidence or based on legal error. *Id.* “Substantial evidence is defined as more than a mere scintilla but less than a preponderance.” *Tackett v. Apfel*, 180 F.3d 1094, 1098 (9th Cir. 1999)(internal quotation marks omitted). The ALJ’s conclusion must be upheld if the evidence is susceptible to more than one rational interpretation. *Burch v. Barnhardt*, 400 F.3d 676, 679 (9th Cir. 2005). The Magistrate Judge provided a thorough and thoughtful analysis in his review of the ALJ’s disability determination, which the district court adopted. We find no error in the district court’s decision.

**AFFIRMED.**