

SEP 17 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DENICE R. GREENWALT-BALTRONS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>MICHAEL J. ASTRUE,</p> <p>Defendant - Appellee.</p>

No. 07-17278

D.C. No. CV-06-00406-KJM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, Magistrate Judge, Presiding

Submitted April 20, 2009**

Before: BEEZER, HALL and T.G. NELSON, Circuit Judges.

Denice Greenwalt-Baltrons appeals pro se from the district court’s judgment affirming the Commissioner of Social Security’s denial of disability insurance benefits. “We review de novo the district court’s order affirming the Commissioner’s denial of benefits.” *Ukolov v. Barnhart*, 420 F.3d 1002, 1004 (9th

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

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

Cir. 2005) (quoting *Moisa v. Barnhart*, 367 F.3d 882, 885 (9th Cir. 2004)). “A decision to deny benefits will only be disturbed if it is not supported by ‘substantial evidence or it is based on legal error.’” *Burch v. Barnhart*, 400 F.3d 676, 679 (9th Cir. 2005) (quoting *Magallanes v. Bowen*, 881 F.2d 747, 750 (9th Cir. 1989)). The district court exercised jurisdiction under 42 U.S.C. § 405(g). We have jurisdiction under 28 U.S.C. § 1291. We affirm.

The facts of this case are known to the parties and we do not repeat them here.

Substantial evidence supports the administrative law judge’s (“ALJ”) finding that Greenwalt-Baltrons’ medical impairments did not constitute a severe disability before the date she was last insured. *See* 42 U.S.C. § 423(d)(1)(A).

The ALJ properly rejected Dr. Luigi Piciucco’s opinion as irrelevant. *See Lombardo v. Schweiker*, 749 F.2d 565, 567 (9th Cir. 1984).

The ALJ properly denied Greenwalt-Baltrons’ request for a supplemental hearing. *See Saelee v. Chater*, 94 F.3d 520, 522 (9th Cir. 1995); *Copeland v. Bowen*, 861 F.2d 536, 539 (9th Cir. 1988).

We conclude that Greenwalt-Baltrons’ ineffective assistance of counsel claim is without merit. *See Nicholson v. Rushen*, 767 F.2d 1426, 1427 (9th Cir. 1985).

We decline to address Greenwalt-Baltrons' arguments raised for the first time on appeal. *See Macri v. Chater*, 93 F.3d 540, 544 n.3 (9th Cir. 1996); *Abex Corp. v. Ski's Enters.*, 748 F.2d 513, 516 (9th Cir. 1984).

AFFIRMED.