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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAFAEL BARRAGAN OCHOA,

Plaintiff - Appellant,

v.

COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,

Defendant - Appellee.

No. 10-15880

D.C. No. 1:09-cv-00018-SMS

MEMORANDUM\*

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

Submitted June 14, 2011\*\*  
San Francisco, California

Before: SCHROEDER and BEA, Circuit Judges, and ANELLO, 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.

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

\*\*\* The Honorable Michael M. Anello, United States District Judge for the Southern District of California, sitting by designation.

Rafael Ochoa appeals the district court's judgment affirming the Commissioner of Social Security's denial of his applications for supplemental security income and disability insurance benefits under Titles XVI and II of the Social Security Act. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Ochoa argues that the administrative law judge ("ALJ") improperly disregarded Dr. Carrillo's opinion. This claim lacks merit. The ALJ provided several reasons for rejecting Dr. Carrillo's opinion. First, Dr. Carrillo examined Ochoa only once, for the purpose of evaluating whether he could take the citizenship examination, and not for the purpose of determining Ochoa's ability to work. Second, other physicians who treated Ochoa opined that his seizures did not affect his daily activities and did not warrant any disability. *Lester v. Chater*, 81 F.3d 821, 830 (9th Cir. 1995) ("As a general rule, more weight should be given to the opinion of a treating source than to the opinion of doctors who do not treat the claimant."). Lastly, although Dr. Carrillo noted that Ochoa could not remember the date, time, or year, or make sense of figures or puzzles, Ochoa himself admitted that when he did not have seizures, he did well with concentration and memory. The ALJ's specific reasons for rejecting Dr. Carrillo's opinion are legitimate and supported by substantial evidence. *Id.* at 830–31.

**AFFIRMED.**