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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARY ANNE SALMON,

Plaintiff - Appellant,

v.

CAROLYN W. COLVIN, Commissioner
of Social Security Administration,

Defendant - Appellee.

No. 12-16251

D.C. No. 5:10-cv-03636-LHK

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Lucy Koh, District Judge, Presiding

Submitted February 14, 2014**
San Francisco, California

Before: KOZINSKI, Chief Judge, and O'SCANNLAIN and MURGUIA, Circuit
Judges.

Mary Anne Salmon appeals the district court's order affirming the decision
of Carolyn Colvin, Commissioner of Social Security.

* 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).

Salmon argues that our remand directive in *Salmon v. Astrue*, 309 F. App'x. 113, 116 (9th Cir. 2009), required the administrative law judge (ALJ) to reevaluate her alleged physical impairment. But as the ALJ and the district court concluded, the scope of the remand was limited to consideration of Salmon's alleged *mental* impairment: "We reverse and remand for reconsideration of the determination of Salmon's *mental capacity* with instructions to accept Salmon's pain testimony as true." *Id.* (emphasis added). True, we instructed the ALJ to "accept Salmon's pain testimony," but we emphasized that Salmon's pain testimony "may have a bearing on her depression and overall mental problems *and should be considered in that light* by the ALJ." *Id.* (emphasis added). Thus, the ALJ did not err by refusing to reexamine Salmon's claim of physical disability.

With regard to Salmon's alleged mental impairment, she contends that the ALJ's decision denying her claim was not supported by substantial evidence and that she was entitled to benefits as a matter of law. *See Bayliss v. Barnhart*, 427 F.3d 1211, 1214 n.1 (9th Cir. 2005). As documented by the district court, the ALJ provided "specific and legitimate reasons" for rejecting the opinion of Dr. David Silverman, relying instead on the mutually supportive opinions of Drs. Laurie Weiss and Danilo Lucila. *See Lester v. Chater*, 81 F.3d 821, 830–31 (9th Cir. 1995). Such analysis satisfies our "highly deferential standard of review."

Valentine v. Comm’r Soc. Sec. Admin., 574 F.3d 685, 690 (9th Cir. 2009). The ALJ’s decision is “supported by substantial evidence and [is] a correct application of the law.” *Id.* (internal quotation marks omitted).

AFFIRMED.