

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 21 2015

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

DAWN S. NEWTON,

Plaintiff - Appellant,

v.

CAROLYN W. COLVIN, Commissioner  
of Social Security,

Defendant - Appellee.

No. 13-35723

D.C. No. 2:11-cv-00226-RHW

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of Washington  
Robert H. Whaley, District Judge, Presiding

Submitted November 3, 2014\*\*

Before: THOMAS, Chief Judge, and D.W. NELSON and LEAVY, Circuit Judges.

Dawn S. Newton appeals the district court's judgment affirming the Commissioner of Social Security's denial of her application for disability insurance benefits and supplemental security income under Titles II and XVI of the

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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). Appellant's motion to submit this appeal on the briefs is therefore denied as moot.

Social Security Act. We have jurisdiction under 28 U.S.C. § 1291. We review the district court's order de novo, *Andrews v. Shalala*, 53 F.3d 1035, 1039 n.1 (9th Cir. 1995), and the Commissioner's factual findings for substantial evidence, *id.* at 1039. We affirm.

Newton contends that her credible testimony regarding her pain symptoms and limitations establishes that she cannot sit or stand long enough to be able to work. The Administrative Law Judge ("ALJ") provided specific, clear and convincing reasons for rejecting Newton's subjective complaints. *See Lingenfelter v. Astrue*, 504 F.3d 1028, 1036 (9th Cir. 2007) (reciting standard of review); *Smolen v. Chater*, 80 F.3d 1273, 1284 (9th Cir. 1996) (listing factors to consider in evaluating credibility).

Newton also contends that the ALJ did not properly evaluate the medical opinions regarding the presence of mental impairment. Substantial evidence supports the ALJ's evaluation of the medical opinions in determining that Newton does not have a severe mental impairment. The ALJ properly evaluated the medical opinions after "setting out a detailed and thorough summary of the facts and conflicting clinical evidence, stating his interpretation thereof, and making findings." *Embrey v. Bowen*, 849 F.2d 418, 421 (9th Cir. 1988) (internal citation and quotation marks omitted).

**AFFIRMED.**