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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KRISTEN G. WILSON,

Plaintiff - Appellant,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant - Appellee.

No. 12-17526

D.C. No. 1:11-cv-01238-JLT

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Jennifer L. Thurston, Magistrate Judge, Presiding

Submitted November 9, 2015**

Before: LEAVY, GRABER, and OWENS, Circuit Judges.

Plaintiff Kristen G. Wilson 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

* 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).

Social Security Act. Reviewing de novo, we may set aside a denial of benefits only if it is not supported by substantial evidence or rests on legal error. Ghanim v. Colvin, 763 F.3d 1154, 1159 (9th Cir. 2014). We affirm.

The administrative law judge (“ALJ”) permissibly gave less weight to the opinion of consultive examiner Shireen Damania, M.D., by providing specific and legitimate reasons, supported by substantial evidence. See Ghanim, 763 F.3d at 1161 (stating standard). The ALJ noted that Dr. Damania’s opinion was inconsistent with her own findings that Plaintiff had a normal attention span, intact memory, and ability to do simple calculations. The ALJ also noted that Dr. Damania’s opinion was inconsistent with Plaintiff’s reported activities, including taking care of her own personal hygiene without assistance, watching television, and shopping with her spouse. The ALJ permissibly gave greater weight to the state agency physician’s opinion because it is more consistent with the record as a whole.

Accordingly, substantial evidence supports the ALJ’s determination that Plaintiff was not disabled within the meaning of the Social Security Act.

AFFIRMED.