

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 13 2017

FOR THE NINTH CIRCUIT

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

VITALIY DIKOV,

Plaintiff-Appellant,

v.

NANCY A. BERRYHILL, Acting
Commissioner Social Security,

Defendant-Appellee.

No. 15-35036

D.C. No. 3:13-cv-00127-AC

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
John V. Acosta, Magistrate Judge, Presiding

Submitted November 30, 2017**

Before: THOMAS, Chief Judge, and TROTT and SILVERMAN, Circuit
Judges.

Vitaliy Dikov appeals the district court's decision affirming the
Commissioner of Social Security's denial of Dikov's application for supplemental
security income under Title XVI of the Social Security Act. We have jurisdiction

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

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

under 28 U.S.C. § 1291. We review de novo, *Ghanim v. Colvin*, 736 F.3d 1154, 1159 (9th Cir. 2014), and we affirm.

The ALJ gave the following specific and legitimate reasons for assigning only “limited weight” to treating physician Dr. Long’s opinion regarding Dikov’s functional limitations: (1) Dr. Long did not sufficiently explain his conclusions or address the severity or frequency of pain; (2) evidence shows that Dikov is able to perform activities that Dr. Long opined he could never perform; and (3) his opinion was inconsistent with the findings of other physicians. *Burrell v. Colvin*, 775 F.3d 1133, 1137 (9th Cir. 2014) (the ALJ may only reject the contradicted opinion of a treating physician by providing specific and legitimate reasons that are supported by substantial evidence.). For example, Dr. Mauer found that Dikov could perform a “full squat and rise to completion without difficulty” and had “full symmetric motor strength.”

AFFIRMED.