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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTHONY H. BALL, Plaintiff - Appellant, v. CAROLYN W. COLVIN, Commissioner of Social Security, Defendant - Appellee.	No. 13-35760 D.C. No. 3:12-cv-00014-JO MEMORANDUM[*]

Appeal from the United States District Court
for the District of Oregon
Robert E. Jones, District Judge, Presiding

Submitted June 4, 2015[**]

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

Anthony Ball appeals pro se the district court's judgment affirming the Commissioner of Social Security's denial of Ball's application for disability insurance benefits under Title II of the Social Security Act. Ball alleged disability

[*] 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).

due to degenerative joint and disc disease, post traumatic stress disorder, gastro-esophageal reflux disease, hemorrhoids, flat feet, chronic fungal skin infection, and chronic irritation of facial hair follicles. Ball contends that the administrative law judge ("ALJ") erred in giving very little weight to the medical opinion of psychiatrist Thomas Barrett, M.D., and erred by not providing germane reasons for giving very little or no weight to the opinions of his chiropractor, Dr. Lee Cowan. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

We review the district court's order de novo. *Molina v. Astrue*, 674 F.3d 1104, 1110 (9th Cir. 2012). We may set aside the denial of benefits only if it is not supported by substantial evidence or is based on legal error. *Id.*

The ALJ provided specific and legitimate reasons for giving very little weight to Dr. Barrett's opinion. *Valentine v. Comm'r of Soc. Sec. Admin.*, 574 F.3d 685, 692 (9th Cir. 2009). First, the ALJ reasonably concluded that Dr. Barrett's opinion was of minimal relevance where his May 2008 opinion was rendered more than two years after Ball's December 2005 date last insured, and there is no evidence that Dr. Barrett treated Ball prior to his date last insured. *Batson v. Comm'r of Soc. Sec. Admin.*, 359 F.3d 1190, 1195 (9th Cir. 2004). Second, the ALJ reasonably concluded that Dr. Barrett's opinion was not consistent with other medical evidence. *Id.*

The ALJ provided germane reasons for giving very little or no weight to the opinions of chiropractor Dr. Cowan. *See* 20 C.F.R. § 404.1513(a), (d)(1) (a chiropractor is considered an "other" medical source); *Molina*, 674 F.3d at 1111 (holding that an ALJ may discount testimony from "other sources" if the ALJ provides germane reasons for doing so). The ALJ properly noted that Dr. Cowen's April 2001 letter indicated Ball's limitations did not necessarily indicate that Ball was disabled. *See Fair v. Bowen*, 885 F.2d 597, 603 (9th Cir. 1989) (medical conditions may produce pain not severe enough to preclude gainful employment). In addition, the ALJ properly noted that Dr. Cowan's assessments were inconsistent with contemporaneous medical evidence. *Bayliss v. Barnhart*, 427 F.3d 1211, 1218 (9th Cir. 2005). Finally, the ALJ properly gave no weight to Dr. Cowen's opinions because they were inconsistent. *Morgan v. Comm'r of Soc. Sec. Admin.*, 169 F.3d 595, 603 (9th Cir. 1999). Accordingly, the ALJ provided germane reasons for discounting Dr. Cowan's opinions. *Molina*, 674 F.3d at 1111.

Ball's remaining claims of error have been waived because he failed to raise them before the district court. Ball, who was represented by counsel before the ALJ and the district court, failed to establish any exception to the general rule that this court will not consider an issue raised for the first time on appeal. *Gregor v. Barnhart*, 464 F.3d 968, 973 (9th Cir. 2006).

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

AFFIRMED.