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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ELIAS FORCELLEDO,

Plaintiff-Appellant,

v.

NANCY A. BERRYHILL, Acting
Commissioner Social Security,

Defendant-Appellee.

No. 16-35408

D.C. No. 3:15-cv-00824-AA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, District Judge, Presiding

Argued and Submitted May 9, 2018
Portland, Oregon

Before: RAWLINSON and CHRISTEN, Circuit Judges, and GARBIS,** District Judge.

Elias Forcelledo (Forcelledo) appeals the district court's decision affirming the Commissioner of Social Security's denial of Forcelledo's application for

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

** The Honorable Marvin J. Garbis, United States District Judge for the District of Maryland, sitting by designation.

supplemental security insurance benefits. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Substantial evidence supports the administrative law judge's finding that Forcelledo was not eligible for supplemental security income because, on this record, Forcelledo failed to meet his burden to establish eligibility for social security benefits with a showing that he has a clearly-defined immigration status. *See Wellington v. Berryhill*, 878 F.3d 867, 871 (9th Cir. 2017) (reviewing the ALJ's decision for substantial evidence). Additionally, to the extent there was a due process violation, Forcelledo has not shown prejudice due to his inability to demonstrate his eligibility for benefits. *See Ludwig v. Astrue*, 681 F.3d 1047, 1054 (9th Cir. 2012) ("Reversal on account of error is not automatic, but requires a determination of prejudice. . . .") (footnote reference omitted).

AFFIRMED.