

FILED

JAN 30 2019

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ESTEBAN C. HURTADO,

Plaintiff-Appellant,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant-Appellee.

No. 17-55845

D.C. No. 5:16-cv-00876-AS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Alka Sagar, Magistrate Judge, Presiding

Submitted January 29, 2019**

Before: TROTT, SILVERMAN, and TALLMAN, Circuit Judges:

Esteban Hurtado appeals the district court's order affirming the Social Security Administration's denial of his applications for Social Security and Supplemental Security Income disability benefits. We have jurisdiction pursuant

* 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).

to 28 U.S.C. § 1291. We review the district court’s order de novo and the agency’s decision for substantial evidence and legal error. *Stacy v. Colvin*, 825 F.3d 563, 569 (9th Cir. 2016).

Hurtado argues that he had a “composite job” of file clerk and courier and that the ALJ violated *Valencia v. Heckler*, 751 F.2d 1082 (9th Cir. 1985). These arguments were not raised before the agency, and were presented for the first time in district court. Hurtado, who was represented by counsel at his administrative hearing, conceded that he worked as a file clerk and performed file clerk duties. Because Hurtado did not raise either issue, present any evidence, or challenge the vocational expert’s testimony at the administrative hearing, those arguments are forfeited. *See Shaibi v. Berryhill*, 883 F.3d 1102, 1109-10 (9th Cir. 2017); *Meanel v. Apfel*, 172 F.3d 1111, 1115 (9th Cir. 1999).

AFFIRMED.