

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-2080

WOODSON T. DRUMHELLER,

Plaintiff - Appellant,

v.

KILOLO KIJAKAZI, Acting Commissioner of the Social Security Administration,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. David J. Novak, District Judge. (3:21-cv-00565-DJN)

Submitted: January 11, 2024

Decided: February 8, 2024

Before THACKER and QUATTLEBAUM, Circuit Judges, and TRAXLER, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

Woodson T. Drumheller, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Woodson T. Drumheller appeals the district court's order granting summary judgment to the Acting Commissioner of the Social Security Administration (SSA) and denying Drumheller's cross-motion for summary judgment on his claims related to the SSA's decision to disqualify Drumheller, a suspended and disbarred former attorney, from representing claimants before the agency. We have reviewed the record and discern no reversible error.

First, we agree with the district court that Drumheller's claims related to the alleged bias of the administrative law judge (ALJ) necessarily fail because Drumheller pointed to no instances of the ALJ's bias beyond adverse judicial rulings, which "almost never constitute a valid basis for a bias or partiality motion." *See Liteky v. United States*, 510 U.S. 540, 555 (1994). We further discern no error in the district court's rejection of Drumheller's equal protection claim: Drumheller failed to show that he was treated differently from similarly situated individuals, given that his status as a disbarred attorney rendered him dissimilar from non-attorney representatives who had not been declared unfit to practice law based on a finding of misconduct. *See Fauconier v. Clarke*, 966 F.3d 265, 277 (4th Cir. 2020). Next, we agree with the district court that the SSA properly exercised the discretion delegated to it by Congress in promulgating regulations under the Social Security Act, given the several ways in which it could exercise that discretion. Finally, we find no merit in Drumheller's contentions that the SSA's actions and decision were arbitrary and capricious under the Administrative Procedure Act. *See* 5 U.S.C. § 706(2).

Accordingly, we affirm. *See Drumheller v. Kijakazi*, No. 3:21-cv-00565-DJN (E.D. Va. Sept. 13, 2022). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED