

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50998
Summary Calendar

JAIME O SALAZAR,

Plaintiff-Appellant,

versus

JO ANNE B. BARNHART, Commissioner of Social Security,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-99-CV-974

September 9, 2002

Before JOLLY, EMILIO M. GARZA and PARKER, Circuit Judges.

PER CURIAM:*

Jaime O. Salazar appealed the district court's judgment affirming the Commissioner's decision to deny his claim for Social Security benefits. After filing this appeal, Salazar died. Salazar's counsel has been unable to locate any member of Salazar's family willing to prosecute the appeal. Counsel's motion under FED. R. APP. P. 43(a)(1) to substitute himself as the party to this proceeding is DENIED.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

The Commissioner has moved to dismiss the appeal because there is no personal representative of Salazar who desires to prosecute the appeal. As a reasonable attempt has been made to locate such a representative, we may dismiss the appeal under FED. R. APP. P. 43(a)(1). Gamble v. Thomas, 655 F.2d 568, 569 (5th Cir. 1981). The Commissioner's motion to dismiss is GRANTED, and the appeal is DISMISSED.