

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20948
Summary Calendar

JESSE NORTH,

Plaintiff-Appellant,

versus

SHIRLEY S. CHATER, Commissioner of Social Security

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
CA-H-94-3204

May 27, 1996

Before JOHNSON, JOLLY, and DAVIS, Circuit Judges.

Per Curiam:*

Jesse North appeals the district court's denial of his request for judicial review of a decision by the Commissioner of the Social Security Administration ("the Commissioner"). The district court made its denial on the grounds of res judicata. North's present suit stems from an award of benefits following a 1990 application. However, in this suit North effectively requested the district court to review the Commissioner's decision not to reopen a January 1986 application

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

for benefits. The district court is unable to fulfill this request because federal courts lack subject matter jurisdiction to review the Commissioner's decision not to reopen a prior, fully-adjudicated application. *See Ellis v. Schweiker*, 662 F.2d 419, 419 (5th Cir. 1981). Therefore, we affirm the district court's denial of judicial review of North's application for benefits on the alternate ground that the district court lacked subject matter jurisdiction to review the Commissioner's decision to reopen North's case. *See Sojourner T. V. Edwards*, 974 F.2d 27, 30 (5th Cir. 1992), *cert. denied*, 507 U.S. 972 (1993).

AFFIRMED.