

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-31148
Summary Calendar

JESSERENE DINGER,

Plaintiff-Appellant,

versus

KENNETH S. APFEL,
COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 97-CV-1858

September 16, 1999

Before SMITH, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Jesserene Dinger appeals from the judgment affirming the denial of her applications for Social Security disability and supplemental security income (SSI) benefits. Dinger argues that the Commissioner's decision was not supported by substantial evidence. Dinger did not raise this contention before the Appeals Council; therefore, she did not exhaust administrative remedies as to this issue. We find no reason to waive the exhaustion requirement in Dinger's case. Consequently, we lack

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

jurisdiction over Dinger's appeal. Paul v. Shalala, 29 F.3d 208, 210 (5th Cir. 1994); see Giannakos v. M/V BRAVO TRADER, 762 F.2d 1295, 1297 (5th Cir. 1985) (court must observe lack of subject-matter jurisdiction sua sponte).

APPEAL DISMISSED.