

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-31295  
Summary Calendar

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DAVID MYERS,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 96-CV-2760  
- - - - -

September 16, 1998

Before REAVLEY, BENAVIDES and PARKER, Circuit Judges.

PER CURIAM:\*

David Myers appeals from the dismissal of his complaint for judicial review of the decision of the Commissioner of Social Security denying him disability and supplemental security income benefits. Myers contends that the Commissioner erred by failing to recognize that Dr. Stanton Moldovan is a psychiatrist and neurologist; that the Commissioner erred by ordering consultative examinations without first recontacting Dr. Moldovan; that the Commissioner was required to allow Dr. Moldovan to conduct any

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

consultative examinations; and that the Commissioner erred by failing to consider Dr. Roy L. Sasser a treating physician.

Regarding Myers's contentions about Dr. Moldovan, we have reviewed the record and the briefs of the parties and we find no reversible error. Accordingly, we affirm for essentially the reasons relied upon by the district court. *Myers v. Chater*, No. 96-CV-2760 (Oct. 24, 1997). Myers did not exhaust administrative remedies regarding his contention about Dr. Sasser; we do not consider Myers's contention. *Paul v. Shalala*, 29 F.3d 208, 210 (5th Cir. 1994).

AFFIRMED.