

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50075
Summary Calendar

FRANK M. PUENTE,

Plaintiff-Appellant,

versus

KENNETH S. APFEL,
COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-97-CV-112
- - - - -

December 23, 1998

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:*

Frank M. Puente appeals from the district court's judgment affirming the denial of his application for disability insurance benefits and supplemental security income. He argues that the issue of his indigence as it related to his ability to afford necessary medical treatment was not fully explored, the Commissioner erred in disregarding the findings of Puente's physician, the district court erred in denying his motion for remand based on new evidence, and that there were errors of law

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

made while determining his disability status. We lack jurisdiction to consider Puente's indigence argument because he failed to exhaust his administrative remedies as to that issue. See Paul v. Shalala, 29 F.3d 208, 210 (5th Cir. 1994). We have reviewed the record and find no reversible error regarding Puente's remaining arguments.

AFFIRMED.