

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50543
Summary Calendar

IDELFONSO GALINDO,

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. EP-99-CV-213-F

January 26, 2001

Before JOLLY, SMITH, and DUHÉ, Circuit Judges.

PER CURIAM:¹

Idelfonso Galindo appeals the district court's partial affirmance of the Commissioner's determination that he was ineligible to receive social security benefits because he was not a resident of the United States, as is required under 42 U.S.C. § 1382c(a)(1)(B)(i). An individual seeking benefits bears the burden of proving that he is qualified to receive such benefits. 20 C.F.R. §§ 416.200, 416.1603(a). Galindo has failed to demonstrate that the administrative law judge erred in the legal standards used to determine whether Galindo was a United States resident from 1994

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

to 1997. Galindo has also failed to show a lack of substantial evidence supporting the finding that he was not a resident during this period. The district court did not err in affirming the Commissioner's determination that Galindo was not eligible to receive benefits from March 1994 to September 1997.

AFFIRMED.