

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

93-9101
(Summary Calendar)

LEWIS RAY SHIELDS,
SSN XXX-XX-XXXX

Plaintiff-Appellant,

versus

DONNA E. SHALALA, Secretary of
Health and Human Services,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(USDC No. 6:93-CV-0006)

(October 4, 1994)

Before DUHÉ, WIENER and STEWART, Circuit Judges.

PER CURIAM:*

Section 205(g) of the Social Security Act "clearly limits judicial review to a particular type of agency action, a final decision of the Secretary made after a hearing." Califano v. Sanders, 430 U.S. 99, 108, 97 S. Ct. 980, 51 L. Ed. 2d 192 (1977) (internal quotation marks omitted). A decision not to reopen a

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

prior final determination, since the decision could be made without a hearing, is not reviewable by the federal courts unless the claimant challenged the Secretary's action on constitutional grounds. 430 U.S. at 109; Thibodeaux v. Bowen, 819 F.2d 76, 80 (5th Cir. 1987). Shields has not raised constitutional grounds for reopening the Secretary's decision.

The judgment of the district court is AFFIRMED.