

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-40532
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 29, 2019

MARIA DEL ROSARIO ROSALES-RODRIGUEZ,

Lyle W. Cayce
Clerk

Plaintiff - Appellant

v.

NANCY A. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY; UNITED STATES OF AMERICA,

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:16-CV-258

Before JOLLY, COSTA, and HO, Circuit Judges.

PER CURIAM:*

Ms. Rosales-Rodriguez appeals from, what she calls, a “front-desking” of her Social Security card application. Rosales brought a copy of her baptismal record, a letter from a priest at the church attesting to the document, and a Mexican voter identification card. The Social Security officer informed her that she needed to present original documents, or an alternative document from a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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list of acceptable documents in order to apply for a Social Security card. *See* 20 C.F.R. § 422.107(d). Rosales challenged this action as a final agency action, reviewable under the Administrative Procedures Act (the “APA”) and under 8 U.S.C. § 1503(a). The district court found there was no final agency action and dismissed the claim for lack of subject-matter jurisdiction.

Rosales acknowledged the documents she brought did not satisfy the necessary list and admitted there was a way to obtain an original baptism certificate. There was no agency action in this case, either formal or informal. Instead, the record shows that an employee declined to process an application without the necessary documents. Rosales did not attempt to return with alternative documents or an original or certified copy of her baptismal record. Such action is not a final action under either the APA or 8 U.S.C. § 1503(a).

We have reviewed the briefs, the applicable law, and relevant parts of the record. The district court committed no reversible error. The judgment is AFFIRMED.