

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-11003
Summary Calendar

HENRY HARGROVE,

Plaintiff-Appellant,

versus

SHIRLEY S. CHATER, COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:94-CV-111-X
- - - - -

May 20, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Henry Hargrove appeals the district court's determination that it lacked jurisdiction to review the Secretary's decision not to reopen his 1989 claim for disability benefits. We have reviewed the record and Hargrove's brief and AFFIRM the district court's dismissal for the same reasons set forth by the district court. Hargrove v. Shalala, 7:94-CV-111-X (N.D. Tex.; Sept. 7, 1995). Insofar as Hargrove argues that the Social Security Act, 42 U.S.C. § 405(b)(3)(A), mandates a hearing prior to a decision

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

to reopen, thus distinguishing his case from the holding of Califano v. Sanders, 430 U.S. 99 (1977), we do not consider this argument as it is raised for the first time in Hargrove's reply brief. See Stephens v. C.I.T. Group/Equip. Fin., Inc., 955 F.2d 1023, 1026 (5th Cir. 1992).

AFFIRMED.