

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10224

Summary Calendar

ROBERT P. McCULLOUGH,

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. 3:92-CV-2677-P

September 30, 1996

Before HIGGINBOTHAM, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Robert P. McCullough appeals the district court's grant of summary judgment affirming the Commissioner of Social Security's determination that McCullough is not disabled within the meaning of the Social Security Act, 42 U.S.C. § 405(g). He argues that the administrative law judge (ALJ) erred in finding that his seizure disorder does not meet or equal a listed impairment and that the ALJ erred by failing to consider the combined effect of his seizure

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

disorder and his prior back impairment. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See McCullough v. Shalala, No. 3:92-CV-2677-P (N.D. Tex. Jan. 30, 1996).

McCullough also argues that the ALJ erred in finding that he was capable of returning to his prior work. Because this issue was not exhausted, it is dismissed. See Paul v. Shalala, 29 F.3d 208, 210 (5th Cir. 1994).

AFFIRMED IN PART; DISMISSED IN PART.