

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40848
Conference Calendar

GLYN CROSS,

Plaintiff-Appellant,

versus

SHIRLEY S. CHATER, COMMISSIONER OF
SOCIAL SECURITY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 3-93-CV-88
- - - - -
February 20, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

Glyn Cross appeals the district court's dismissal of his petition for writ of mandamus alleging that the Commissioner of Social Security violated the court's remand order. Our review of the record and the arguments and authorities convinces us that no reversible error was committed by the district court. "The common-law writ of mandamus, as codified in 28 U.S.C. § 1361, is intended to provide a remedy for a plaintiff only if he has

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

exhausted all other avenues of relief and only if the defendant owes him a clear nondiscretionary duty." Heckler v. Ringer, 466 U.S. 602, 616 (1984). Should Cross's claim be denied, he has an adequate remedy under 42 U.S.C. § 405(g) for challenging all aspects of that denial. Furthermore, his interest can be pursued through direct appeal after a final judgment. Thus, the district court did not abuse its discretion in refusing to grant this extraordinary relief. See United States v. Denson, 603 F.2d 1143, 1146 (5th Cir. 1979).

AFFIRMED.