

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50663
Summary Calendar

STEVEN K. BEDFORD,

Plaintiff-Appellant,

versus

SHIRLEY S. CHATER, COMMISSIONER OF
SOCIAL SECURITY, Secretary of Health
and Human Services,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-94-CV-456

May 14, 1997

Before DAVIS, EMILIO M. GARZA and STEWART, Circuit Judges.

PER CURIAM:*

Steven K. Bedford appeals the judgment upholding the final decision of the Commissioner awarding him only a closed period of disability.

Bedford does not argue the arguments he raised in the district court that insufficient evidence supported the administrative law judge's (ALJ's) determination based on the medical evidence of his

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

physical impairments and that he presented new and material evidence entitling him to a remand. These arguments are considered abandoned on appeal. See Brinkmann v. Abner, 813 F.2d 744, 748 (5th Cir. 1987).

The district court did not err in rejecting Bedford's argument that the ALJ should have considered his subjective complaints of pain to be evidence of somatoform disorder, a listed mental impairment. Isolated comments referring to Bedford's depression and anxiety without any evidence of treatment did not create evidence sufficient to suggest that such a mental impairment existed, obligating the ALJ to develop the record and ascertain whether Bedford suffered from a mental impairment. See Leggett v. Chater, 67 F.3d 558, 566 (5th Cir. 1995). Bedford does not identify anything that would demonstrate that the ALJ's decision was not supported by substantial evidence or that any errors of law were made. See Fraga v. Bowen, 810 F.2d 1296, 1302 (5th Cir. 1987).

Because Bedford's reply brief does not provide information that is new and relevant to his issue, his motion to file the brief out of time is DENIED.

AFFIRMED; MOTION DENIED.