

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-60749  
Summary Calendar

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JOHN L. MALONE,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, COMMISSIONER  
OF SOCIAL SECURITY,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No.4:96-CV-78-LS  
- - - - -

August 13, 1998

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:\*

John L. Malone appeals from the district court's judgment affirming the denial of his application for disability insurance and period of disability benefits. Malone argues that the Commissioner's finding that he had the residual functional capacity to perform the physical exertion and nonexertional requirements of work except for lifting more than 10 pounds frequently contradicts the definition of light work. Malone did not raise this issue before the Appeals Council or the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court. This court does not consider issues raised for the first time in an appeal of a social security case. See Bowman v. Heckler, 706 F.2d 564, 568 (5th Cir. 1983); see also Dominick v. Bowen, 861 F.2d 1330, 1332 (5th Cir. 1988).

Malone also argues that substantial evidence did not exist to support the finding that he was not disabled. We have reviewed the record and find no reversible error. Accordingly, the judgment is AFFIRMED for essentially the reasons adopted by the district court. See Malone v. Callahan, No. 4:96-CV-78-LS (S.D. Miss. Sep. 8, 1997).

AFFIRMED.