

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30416
Summary Calendar

WILBURN L. DOVE,

Plaintiff-Appellant,

versus

KENNETH S. APFEL,
COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 94-CV-1545

March 9, 1999

Before POLITZ, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Wilburn L. Dove appeals from the judgment affirming the denial of his application for Social Security disability insurance benefits. Dove argues that the administrative determination that he can perform the full range of light work is not supported by substantial evidence. Dove did not raise his contention before the Appeals Council; therefore, he did not exhaust administrative remedies as to this issue. We find no reason to waive the exhaustion requirement in Dove's case. Consequently, we lack jurisdiction over Dove's appeal. Paul v. Shalala, 29 F.3d 208, 210 (5th Cir. 1994); see Giannakos v. M/V BRAVO TRADER, 762 F.2d 1295, 1297 (5th Cir. 1985) (court must observe lack of subject-matter jurisdiction sua sponte).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

APPEAL DISMISSED.