

**UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 99-30081  
Summary Calendar

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GRACIE D. COOPER,

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 Western District of Louisiana  
(97-CV-441)

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September 14, 1999

Before POLITZ, JONES, and WIENER, Circuit Judges.

PER CURIAM:\*

Gracie D. Cooper appeals the district court's affirmance of the denial by the Commissioner of Social Security of her application for disability insurance benefits. Cooper contends that the Administrative Law Judge erred in: (1) failing to afford proper weight to the opinions of her treating physician, Dr. Clinton McAlister, as to her capacity to perform past relevant work; (2) failing to request additional information from her physicians under 20 C.F.R. § 404.1512(e)(1); (3) failing to consider or properly weigh the medical opinion of Dr. James T. Hill; (4) failing to give proper weight to the opinions of Drs. Dean E. Robinson and Mark E. Dulle; (5) finding that she could perform her past relevant work; and (6) finding

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\*Pursuant to 5<sup>TH</sup> 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

that her mental problems were of recent origin and of insufficient duration to constitute a disability.

At the threshold we agree with the recommendation of the magistrate judge, accepted by the district court, that federal courts lack jurisdiction to entertain Cooper's § 404.1512(e)(1) claim because of the failure to raise this claim before the Appeals Council.<sup>1</sup>

Having reviewed the record and briefs of counsel, and being persuaded by the careful, thorough, and compelling Report and Recommendation of the magistrate judge, accepted by the district court, and on the facts as noted, authorities cited, and analysis made in said Report and Recommendation, the judgment appealed is AFFIRMED.

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<sup>1</sup> **Paul v. Shalala**, 29 F.3d 208 (5<sup>th</sup> Cir. 1994).