

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-2260

TERRY L. DEAN,

Plaintiff - Appellant,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. Frederick P. Stamp, Jr., Senior District Judge. (5:08-cv-00078-FPS-JSK)

Submitted: June 4, 2010

Decided: July 6, 2010

Before MOTZ and DAVIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Terry L. Dean, Appellant Pro Se. Helen Campbell Altmeyer, Assistant United States Attorney, Sharon Lynn Potter, OFFICE OF THE UNITED STATES ATTORNEY, Wheeling, West Virginia; Donald K. Neely, Maija Pelly, SOCIAL SECURITY ADMINISTRATION, Philadelphia, P.A., for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terry L. Dean appeals from the district court order adopting the magistrate judge's recommendation that the administrative law judge's denial of disability benefits be upheld on summary judgment. See Dean v. Comm'r of Soc. Sec., No. 5:08-cv-00078-FPS-JSK (N.D. W. Va. Sept. 2, 2009). On appeal, Dean, proceeding pro se, has submitted only a one-page brief, which consists of only two paragraphs, and no citations to case law or the record, to support his claim that he is "entitled to all back pay for the time lost from 2002 to 2007." We find that Dean's very vague and very terse statements in his opening brief fail to comport with the Federal Rules of Appellate Procedure and/or this Court's local rules; thus we find that Dean has waived appellate review of the issues he has attempted to raise.

An Appellant's opening brief must contain the "appellant's contentions and the reasons for them". See Fed. R. App. P. 28(a)(9)(A); see also 4th Cir. R. 34(b)(same). To the extent an Appellant's opening brief fails to comply with these requirements with regard to any particular issue, he has waived appellate review of that issue. See, e.g., Igen Int'l, Inc. v. Roche Diagnostics GMBH, 335 F.3d 303, 308 (4th Cir. 2003) ("Failure to present or argue assignments of error in opening appellate briefs constitutes a waiver of those issues," even

when it appears the district court's resolution of those issues was wrong); see also Erline Co. S.A. v. Johnson, 440 F.3d 648, 653 n.7 (4th Cir. 2006) (conclusory assignments of error without supporting argument are insufficient to preserve a merit-based challenge to a district court's order on appeal).

Because Dean's appellate brief is insufficient to meet these standards, we find he has waived appellate review. Accordingly, the order of the district court is affirmed.

AFFIRMED