

**UNPUBLISHED**

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

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**No. 17-2273**

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KENNETH EUGENE CARTER,

Plaintiff - Appellant,

v.

NANCY A. BERRYHILL, Acting Commissioner of Social Security,

Defendant - Appellee.

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Appeal from the United States District Court for the Southern District of West Virginia,  
at Charleston. Thomas E. Johnston, Chief District Judge. (2:15-cv-11485)

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Submitted: February 15, 2018

Decided: February 16, 2018

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Before WILKINSON, FLOYD, and THACKER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Kenneth Eugene Carter, Appellant Pro Se. Stephen Michael Horn, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia; Nicole Appalucci Schmid, Assistant Regional Counsel, Nora R. Koch, SOCIAL SECURITY ADMINISTRATION, Philadelphia, Pennsylvania, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth Eugene Carter appeals the district court's order adopting the magistrate judge's recommendation and dismissing without prejudice his complaint for lack of jurisdiction because Carter failed to exhaust the administrative remedies for his claim under the Social Security Act.\* *See* 42 U.S.C.A. § 405(g), (h) (Supp. 2017); 20 C.F.R. § 416.1400(a) (2017). On appeal, we confine our review to the issues raised in the Appellant's brief. *See* 4th Cir. R. 34(b). Because Carter's informal brief does not challenge the district court's conclusion that he failed to exhaust his administrative remedies before filing his complaint, Carter has forfeited appellate review of the district court's dispositive ruling. *See Williams v. Giant Food Inc.*, 370 F.3d 423, 430 n.4 (4th Cir. 2004). Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*

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\* The district court's order is final and appealable because the defect identified by the district court must be cured by something more than an amendment to the allegations in the complaint. *Goode v. Cent. Va. Legal Aid Soc'y*, 807 F.3d 619, 623-24 (4th Cir. 2015).