

United States Court of Appeals
For the Eighth Circuit

No. 16-1014

Gural Foster

Plaintiff - Appellant

v.

Carolyn W. Colvin, Acting Commissioner of Social Security

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: September 20, 2016

Filed: September 23, 2016

[Unpublished]

Before LOKEN, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Gural Foster appeals after the District Court¹ dismissed his amended complaint apparently challenging the discontinuation of Supplemental Security Income payments. The complaint was dismissed without prejudice based on Foster’s failure to exhaust his administrative remedies. Upon de novo review, we conclude that the dismissal was proper. See 42 U.S.C. § 405(g) (providing for judicial review of final decisions of the Commissioner of Social Security); Schoolcraft v. Sullivan, 971 F.2d 81, 84–85 (8th Cir. 1992) (“In order for the district court to have subject matter jurisdiction under section 405(g), a claimant must have presented a claim for benefits to the Secretary and exhausted the administrative remedies prescribed by the Secretary.” (footnote omitted)), cert. denied, 510 U.S. 1081 (1994); see also Sipp v. Astrue, 641 F.3d 975, 979 (8th Cir. 2011) (standard of review). Accordingly, we affirm.

¹The Honorable D.P. Marshall Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable J. Thomas Ray, United States Magistrate Judge for the Eastern District of Arkansas.