

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

\_\_\_\_\_  
No. 08-3252  
\_\_\_\_\_

GUSTAVO I. LEYVA,  
  
Appellant.

v.

COMMISSIONER OF SOCIAL SECURITY

\_\_\_\_\_

On Appeal from the United States District Court  
for the District of New Jersey  
(D. C. No. 3-07-cv-00553)  
District Judge: Hon. Joseph A. Greenaway

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Submitted under Third Circuit LAR 34.1(a)  
on May 13, 2009

Before: AMBRO and ROTH, Circuit Judges  
and FISCHER\*, District Judge

**JUDGMENT**

This case came on to be heard on the record from the United States District Court  
for the District of New Jersey and was submitted under Third Circuit LAR 34.1(a) on  
May 13, 2009.

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\*Judge Nora Barry Fischer, United States District Judge for the Western District of  
Pennsylvania, sitting by designation.

On consideration whereof,

**IT IS ORDERED AND ADJUDGED** by this Court that the judgment of the District Court entered May 28, 2008, be and the same is hereby affirmed.

All of the above in accordance with the Opinion of this Court.

**ATTEST:**

/s/Marcia M. Waldron,  
Clerk

Dated: May 11, 2010

The seal of the United States Court of Appeals for the Third Circuit is circular, featuring an eagle with wings spread, perched atop a shield. The shield is supported by two figures, and the eagle holds an olive branch and arrows. The text "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" is inscribed around the perimeter of the seal.  
Certified as a true copy and issued in lieu  
of a formal mandate on July 20, 2010

Teste: *Marcia M. Waldron*  
Clerk, U.S. Court of Appeals for the Third Circuit