

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

United States Court of Appeals
Fifth Circuit

FILED

September 13, 2013

No. 13-30121
Summary Calendar

Lyle W. Cayce
Clerk

GERMAINE AMELIA THOMAS,

Plaintiff–Appellant,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant–Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:11-CV-2290

Before HIGGINBOTHAM, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Plaintiff–Appellant Germaine Amelia Thomas appeals the district court’s grant of summary judgment in favor of Defendant–Appellee Social Security Administration (SSA) in her judicial challenge to the Commissioner of Social Security’s administrative denial of her application for supplemental security income payments under Title XVI of the Social Security Act. On appeal, Thomas, who is represented by counsel, alleges only that the administrative law

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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judge (ALJ) improperly weighed the opinion of a state agency medical consultant in determining Thomas's residual functional capacity.

Our careful review of the record reveals that Thomas nowhere made this argument before the district court. It is familiar law that a party who wishes to preserve an argument for appeal must raise the argument "to such a degree that the district court has an opportunity to rule on it."¹ Because Thomas failed to raise the argument that the ALJ improperly weighed the consultant's opinion in the district court, the district court had no opportunity to rule on it. Accordingly, Thomas's sole argument is waived.

* * *

AFFIRMED.

¹ *FDIC v. Mijalis*, 15 F.3d 1314, 1327 (5th Cir. 1994).