

United States Court of Appeals  
For the Eighth Circuit

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No. 12-3605

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Edna D. Carter

*Plaintiff - Appellant*

v.

Michael J. Astrue, Commissioner of Social Security

*Defendant - Appellee*

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Appeal from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: April 5, 2013

Filed: April 8, 2013

[Unpublished]

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Before LOKEN, MELLOY, and BENTON, Circuit Judges.

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PER CURIAM.

Edna Carter appeals the district court's<sup>1</sup> dismissal of her social security complaint as untimely. Carter filed her complaint in the district court on June 6,

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<sup>1</sup>The Honorable Carol E. Jackson, United States District Judge for the Eastern District of Missouri.

2012, after the Social Security Administration Appeals Council denied review on March 20, 2012, and notified Carter that she had sixty days to seek judicial review. After de novo review, see Bess v. Barnhart, 337 F.3d 988, 989 (8th Cir. 2003) (per curiam), we agree with the district court that the complaint was untimely under 42 U.S.C. § 405(g), and that Carter did not allege any circumstances warranting an equitable tolling of the limitations period. Further, Carter did not counter the Commissioner's evidence showing that she never asked the Appeals Council for an extension of time to file her complaint for judicial review. Accordingly, we affirm. See 8th Cir. R. 47B.

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