

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **09-cv-1598-AP**

BYRON R. BRONSTEIN,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

ORDER

Kane, J.

This matter is before the court on Defendant's Motion to Dismiss Plaintiff's Complaint (doc. #16), filed September 21, 2009. I have reviewed the motion, the supplement, and the responses. The Motion is **GRANTED**. Plaintiff has not received a "final decision" of the Commissioner as required to obtain judicial review under section 205(g) of the Social Security Act (the Act), 42 U.S.C. § 405(g). Additionally, plaintiff has not alleged any basis for the Court to excuse the failure to exhaust his administrative remedies. Accordingly, the Complaint is **DISMISSED** for lack of subject matter jurisdiction.

Dated: October 26, 2009

BY THE COURT:

s/John L. Kane

John L. Kane, Senior Judge
United States District Court