

four-step administrative review process to obtain a final decision that is subject to judicial review. See 20 C.F.R. § 416.1400(a) (2010); [Califano v. Sanders, 430 U.S. 99, 102 \(1977\)](#) (“The Act and regulations thus create an orderly administrative mechanism, with district court review of the final decision of the [Commissioner].”).

This court then ordered plaintiff to respond to the motion to dismiss. Filing No. [28](#). Plaintiff has now done so. Filing No. [29](#). However, plaintiff’s response merely states that he “timely appealed any and all each and every decision even if respondent did not recognize this ‘scribes’ scribblings! Perusal of entire file will show.” Filing No. [29](#).

The court agrees with the defendant in this case. Plaintiff has not submitted any evidence that he appealed or attempted to appeal the initial finding in 2007 of no disability. Plaintiff failed to follow the proper procedure for exhausting his administrative remedies. The court finds plaintiff failed to appeal his 2007 determination and, thus, this court does not have jurisdiction to hear this case under 42 U.S.C. § 405(g).

THEREFORE, IT IS ORDERED that defendant’s motion to dismiss, Filing No. [21](#), is granted. This case is dismissed and a separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 18th day of April, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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