

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 04-1003

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Anthony C. Kenney,

Appellant,

v.

Jo Anne B. Barnhart, Commissioner,  
Social Security Administration,

Appellee.

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Appeal from the United States  
District Court for the  
Eastern District of Arkansas.

**[UNPUBLISHED]**

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Submitted: February 2, 2005  
Filed: February 7, 2005

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Before **BYE, RILEY, and COLLOTON**, Circuit Judges.

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PER CURIAM.

Anthony Kenney (Kenney) appeals the district court's<sup>1</sup> order affirming the denial of supplemental security income. Having carefully reviewed the record, we find the administrative law judge correctly denied benefits because substantial evidence demonstrates Kenney had not ceased to engage in substantial gainful

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<sup>1</sup>The Honorable George Howard, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable J. Thomas Ray, United States Magistrate Judge for the Eastern District of Arkansas.

activity for any continuous 12-month period. See 42 U.S.C. § 1382c(a)(3)(A) (individual is disabled for purposes of supplemental security income if he is unable to engage in substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or can be expected to last for continuous period of at least 12 months); 20 C.F.R. § 416.920(b) (2004) (claimant is not disabled if he is engaged in substantial gainful activity).

Accordingly, we affirm. See 8th Cir. R. 47B.

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