

United States Court of Appeals
For the Eighth Circuit

No. 12-2196

Stephan A. Fleming

Plaintiff - Appellant

v.

Michael J. Astrue, Commissioner of the Social Security Administration

Defendant - Appellee

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: January 4, 2013

Filed: January 11, 2013

Before BYE, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Stephan A. Fleming appeals the district court's¹ order dismissing his appeal for lack of jurisdiction. Upon de novo review, see Clarinda Home Health v. Shalala, 100 F.3d 526, 528 (8th Cir. 1996), we agree with the district court that there was no

¹The Honorable John M. Gerrard, United States District Judge for the District of Nebraska.

constructive or de facto reopening of Fleming's earlier application, and thus that subject matter jurisdiction was lacking, see King v. Chater, 90 F.3d 323, 325 (8th Cir. 1996). The district court is affirmed.
