

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

No. 01-1383

Randy Davis, on behalf of
James F. Davis, Deceased,

Appellant,

v.

Larry G. Massanari, Acting
Commissioner of Social Security,

Appellee.

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

* [UNPUBLISHED]

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Submitted: September 5, 2001

Filed: September 11, 2001

Before HANSEN, FAGG, and BEAM, Circuit Judges.

PER CURIAM.

Randy Davis appeals the district court's* refusal to consider new evidence in affirming the Commissioner's denial of disability insurance benefits and supplemental security income. Having carefully considered the record and the parties' submissions

*The Honorable John F. Forster, Jr., United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties under 28 U.S.C. § 636(c).

on appeal, we agree with the district court that the evidence was not material. See Jones v. Callahan, 122 F.3d 1148, 1154 (8th Cir. 1997) (new evidence must pertain to time period for which benefits are sought, and not concern later-acquired disabilities or later deterioration of an earlier non-disabling condition). Thus, we do not reach Davis's contention that the district court misapplied the standard for determining when alcohol use disqualifies a claimant. We affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.