

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

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No. 03-3055

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Liya Borukhova,

Appellant,

v.

Social Security Administration,

Appellee.

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\* Appeal from the United States  
\* District Court for the  
\* District of Minnesota.  
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\* [UNPUBLISHED]  
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Submitted: April 23, 2004

Filed: May 11, 2004

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Before MELLOY, HANSEN, and COLLOTON, Circuit Judges.

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PER CURIAM.

Liya Borukhova appeals the district court's<sup>1</sup> dismissal of her action against the Social Security Administration for failure to exhaust administrative remedies. We have carefully reviewed the record de novo, see United States v. Dico, Inc., 136 F.3d 572, 575 (8th Cir. 1998) (standard of review), and conclude that Borukhova's request

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<sup>1</sup>The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.

for agency reconsideration of her disability status was still pending when she filed the instant complaint. Thus, the district court's dismissal was proper. See 42 U.S.C. § 405(g); 20 C.F.R. § 416.1400(a); Rowden v. Warden, 89 F.3d 536, 537-38 (8th Cir. 1996).

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

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