

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

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No. 06-1267

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Deborah Martin,

Appellant,

v.

Michael J. Astrue<sup>1</sup>, Commissioner,  
Social Security Administration,

Appellee.

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

[UNPUBLISHED]

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Submitted: February 16, 2007  
Filed: February 28, 2007

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Before RILEY, MAGILL, and MELLOY, Circuit Judges.

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PER CURIAM.

The Social Security Administration denied Deborah Martin's application for supplemental security income on August 1, 2001, and informed her that she had sixty days to request a hearing. When Martin did not file a request-for-hearing form until October 11, 2001, an administrative law judge dismissed the hearing request as

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<sup>1</sup>Michael J. Astrue has been appointed to serve as Commissioner of Social Security, and is substituted as appellee pursuant to Federal Rule of Appellate Procedure 43(c)(2).

untimely. Martin sought judicial review, and the district court<sup>2</sup> dismissed her complaint for lack of subject matter jurisdiction. After de novo review, see United States v. Dico, Inc., 136 F.3d 572, 575 (8th Cir. 1998), we agree with the district court that jurisdiction under 42 U.S.C. § 405(g) was lacking and that dismissal was appropriate. Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>2</sup>The Honorable Charles A. Shaw, United States District Judge for the Eastern District of Missouri, adopting the report and recommendations of the Honorable Terry I. Adelman, United States Magistrate Judge for the Eastern District of Missouri.