

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-3700

Michael W. Harlston, Sr.,

Appellant,

v.

Office of Personnel Management;
Merit Systems Protection Board,

Appellees.

*
*
*
* Appeal from the United States
* District Court for the
* Eastern District of Missouri.
*
* [UNPUBLISHED]
*
*

Submitted: April 29, 2011

Filed: May9, 2011

Before LOKEN, MURPHY, and COLLOTON, Circuit Judges.

PER CURIAM.

After Michael Harlston filed a complaint alleging that he was wrongfully denied disability retirement benefits under the Civil Service Retirement System, the district court¹ dismissed his suit for lack of subject matter jurisdiction, and he appeals. Upon de novo review, see LeMay v. U.S. Postal Serv., 450 F.3d 797, 799 (8th Cir. 2006), we agree with the district court that it lacked subject matter jurisdiction, because Harlston's exclusive remedy was to exhaust his administrative remedies

¹The Honorable Audrey G. Fleissig, United States District Judge for the Eastern District of Missouri.

before the Office of Personnel Management and Merit Systems Protection Board, and then to seek review in the United States Court of Appeals for the Federal Circuit and thereafter in the United States Supreme Court. Accordingly, we affirm the dismissal. See 8th Cir. R. 47B. We also deny the pending motion for a stay.
