
No. 96-2611

Billy Grisso,

Appellant,

v.

Regional 7 Director, Social
Security Administration;
Regional 7 Commissioner,
Social Security Administration;
Joseph R. Muffolet, Director,
Social Security Administration,
Office of Disability and
International Operations; Donna
E. Shalala,

Appellees.

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

[UNPUBLISHED]

Submitted: January 21, 1997

Filed: January 30, 1997

Before HANSEN, MORRIS SHEPPARD ARNOLD, MURPHY, Circuit Judges.

PER CURIAM.

Billy Grisso appeals from the district court's order dismissing his mandamus action for lack of subject matter jurisdiction. Grisso sought a writ of mandamus to compel consideration of his pending administrative appeal for benefits under 42 U.S.C. § 402(x)(1) (1993) (amended 1994) (individual confined in jail for felony not entitled to monthly benefits unless participating in rehabilitation program approved by court of law and Secretary). We note the district court had subject matter jurisdiction to consider Grisso's request for mandamus relief under

28 U.S.C. § 1361, see Linguist v. Bowen, 813 F.2d 884, 887 n.12

(8th Cir. 1987) (mandamus relief is appropriate in Social Security case when dispute involves collateral issue unrelated to outcome of eligibility determination); however, during the pendency of this appeal, the agency awarded his requested benefits. Therefore, we dismiss this appeal, vacate the district court's order and judgment, and remand the case with instructions to dismiss. See Beck v. Missouri State High Sch. Activities Ass'n, 18 F.3d 604, 605 (8th Cir. 1994) (per curiam) (federal courts lack power to decide moot cases).

Finally, because Grisso's remaining motions are also moot, we do not address them.

A true copy.

Attest:

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