

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

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No. 04-1628

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James E. Attia,

Appellant,

v.

Jo Anne B. Barnhart,  
Commissioner of the Social  
Security Administration,

Appellee.

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Appeal from the United States  
District Court for the  
District of South Dakota

[UNPUBLISHED]

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Submitted: September 7, 2004  
Filed: September 13, 2004

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Before WOLLMAN, McMILLIAN, and RILEY, Circuit Judges.

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PER CURIAM.

James Attia appeals from the final judgment entered in the District Court<sup>1</sup> for the District of South Dakota affirming the Social Security Commissioner's decision denying his application for disability insurance benefits (DIB). For reversal, Attia argues the case should have been either reopened or remanded for consideration of

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<sup>1</sup>The Honorable Charles B. Kornmann, United States District Judge for the District of South Dakota, adopting the report and recommendations of the Honorable Mark A. Moreno, United States Magistrate Judge for the District of South Dakota.

new evidence he had submitted. For the reasons discussed below, we affirm the judgment of the district court.

We conclude that substantial evidence supports the determination that Attia lacked the requisite quarters of coverage to give him insured status for DIB. See Harris v. Barnhart, 356 F.3d 926, 928 (8th Cir. 2004) (standard of review). Further, we agree with the district court that the case was not appropriate for remand because none of the new evidence Attia submitted clearly showed that he had received a back pay award for five years in the 1970s.

Finally, we deny as moot Attia's motion on appeal to waive the appellate filing fee, as he has already been granted leave to proceed in forma pauperis.

Accordingly, we affirm.

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