

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

No. 99-2708

Andrew Elliott,

Appellant,

v.

Kenneth S. Apfel, 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* [UNPUBLISHED]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: November 24, 1999

Filed: December 2, 1999

Before BOWMAN, FAGG, and MURPHY, Circuit Judges.

PER CURIAM.

Andrew Elliott sought judicial review when his social security claim was denied. The district court ordered him twice over a three-year period to file a motion for summary judgment, but he did not do so. The district court then dismissed his complaint without prejudice for failure to prosecute. Elliott appeals. Having reviewed the record and the briefs, we conclude the district court did not abuse its discretion in dismissing the complaint. See Garland v. Peebles, 1 F.3d 683, 686 (8th Cir. 1993) (standard of review). Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

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