

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-1326

HAROLD O. PIPER,

Plaintiff - Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Marvin J. Garbis, District Judge. (CA-99-1058-MJG)

Submitted: October 12, 2000

Decided: October 17, 2000

Before WILLIAMS and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Stephen F. Shea, WILLONER, CALABRESE & ROSEN, P.A., College Park, Maryland, for Appellant. Lynne A. Battaglia, United States Attorney, Charlotte J. Hardnett, Acting General Counsel for Social Security, Frank V. Smith, III, Acting Principal Deputy General Counsel, George G. Davidson, Office of the General Counsel, SOCIAL SECURITY ADMINISTRATION, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Harold Piper appeals from the magistrate judge's order* granting summary judgment to the Commissioner of Social Security on his claim for disability benefits. Having reviewed the briefs and the administrative record, we find that substantial evidence supported the Administrative Law Judge's decision denying benefits. Accordingly, we affirm substantially on the reasoning of the magistrate judge. See Piper v. Apfel, No. CA-99-1058-MJG (D. Md. Feb. 10, 2000). We deny Piper's motion to remand this action for reconsideration because he failed to demonstrate that the information contained in Dr. Mutlu's August 11, 1997, report was new and material evidence, or that good cause existed to excuse his failure to timely obtain the report. See 42 U.S.C. § 405(g) (1994); Borders v. Heckler, 777 F.2d 954, 955 (4th Cir. 1985). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

* The parties consented to the jurisdiction of the magistrate judge pursuant to 28 U.S.C. § 636(c)(1) (1994).