

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

# United States Court of Appeals For the First Circuit

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No. 00-1177

GARY R. SINGERMAN,  
Plaintiff, Appellant,  
  
v.

KENNETH S. APFEL, COMMISSIONER OF SOCIAL SECURITY,  
  
Defendant, Appellee.

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
  
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Joyce L. Alexander, U.S. Magistrate Judge]

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Before

Selya, Circuit Judge,  
Campbell, Senior Circuit Judge,  
and Boudin, Circuit Judge.

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Lindsay P. Rand, Nashawaty, Hayden & Rand and Dana A. Curhan  
on brief for appellant.

Donald K. Stern, United States Attorney, and Christopher M. Tauro, Assistant U.S. Attorney, on brief for appellee.

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October 5, 2000

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Per Curiam. The district court judgment dismissing the complaint for lack of subject-matter jurisdiction is summarily affirmed. Plaintiff advances a pair of arguments on appeal--alleging that he never received notice of the 1991 denial of his application for social security benefits, and that the Commissioner undertook a constructive reopening of that application in the course of addressing plaintiff's second application for benefits. Neither of these contentions, however, was properly presented to the district court. Even in the non-adversarial social security context, it is "settled that matters not brought to the attention of the district court are deemed waived on appeal." Evangelista v. Secretary of Health and Human Serv., 826 F.2d 136, 144 (1<sup>st</sup> Cir. 1987). We add that both arguments, in any event, prove to be without substantive merit on the record before us.

Affirmed. See Loc. R. 27(c).