

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JEFFREY KENT ROSS LEIVAN,

Plaintiff,

vs.

Case No. 18-2059-EFM

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

ORDER

This case is before the Court on Defendant’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1). Plaintiff Jeffrey Kent Ross Leivan has not filed a response, and the time to do so has expired. Defendant, the Acting Commissioner of Social Security (“Commissioner”) argues that the Court lacks subject-matter jurisdiction because the case is moot. The Court agrees and dismisses the case.

Leivan filed a *pro se* complaint appealing the Commissioner’s denial of Social Security disability benefits on February 1, 2018. On February 8, 2018, the Appeals Council granted review, reopened the matter, and issued a fully favorable decision, finding Leivan disabled. The Appeals Council issued that decision after receiving additional medical evidence proving that Leivan was disabled. That fully favorable decision is now the final decision of the Commissioner, and there

is nothing for Leivan to appeal. Because there is no longer any case or controversy for the Court to consider, the Court lacks subject-matter jurisdiction and dismisses the case.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss (Doc. 8) is hereby **GRANTED**.

IT IS SO ORDERED.

Dated this 22nd day of May, 2018.



ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE