

AUG 02 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAYMOND LEE,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>SOCIAL SECURITY ADMINISTRATION,</p> <p style="text-align: center;">Defendant - Appellee.</p>

No. 12-15689

D.C. No. 2:11-cv-01843-JCM-
CWH

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
James C. Mahan, District Judge, Presiding

Submitted July 24, 2013**

Before: ALARCÓN, CLIFTON, and CALLAHAN, Circuit Judges.

Raymond Lee appeals pro se from the district court’s judgment dismissing for lack of subject matter jurisdiction his action challenging the Social Security Administration’s determination of the onset date of his disability. We review de

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

novo a dismissal under 28 U.S.C. § 1915(e)(2), *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order), and we affirm.

The district court properly dismissed the action for lack of subject matter jurisdiction because Lee neither obtained a final decision before filing the action, nor stated a colorable constitutional claim. *See Subia v. Comm'r of Soc. Sec.*, 264 F.3d 899, 901 (9th Cir. 2001) (explaining that the Social Security Act limits judicial review to final decisions unless there is a colorable constitutional claim); *Matlock v. Sullivan*, 908 F.2d 492, 493 (9th Cir. 1990) (the denial of an untimely petition for review is not final decision).

AFFIRMED.