

United States Court of Appeals  
For the Eighth Circuit

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No. 17-2249

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David Librace

*Plaintiff - Appellant*

v.

Nancy A. Berryhill, Acting Commissioner of the Social Security Administration

*Defendant - Appellee*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Helena

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Submitted: January 16, 2018

Filed: January 24, 2018

[Unpublished]

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Before GRUENDER, BOWMAN, and KELLY, Circuit Judges.

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PER CURIAM.

David Librace appeals from the order of the District Court<sup>1</sup> affirming the denial of disability insurance benefits. The only orders properly before this Court on appeal are the orders granting the Commissioner's motion for relief filed under Rule 60(a) of the Federal Rules of Civil Procedure and denying Librace's motion to alter or amend filed under Rule 59(e) of the Federal Rules of Civil Procedure. We conclude that the District Court did not abuse its discretion in making those rulings. See Keller v. City of Fremont, 719 F.3d 932, 946 (8th Cir. 2013) (reviewing the district court's ruling on a Rule 60(a) motion for an abuse of discretion); Sipp v. Astrue, 641 F.3d 975, 981 (8th Cir. 2011) (reviewing the district court's ruling on a Rule 59(e) motion for an abuse of discretion). We affirm the judgment of the district court. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable D.P. Marshall Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendation of the Honorable Patricia S. Harris, United States Magistrate Judge for the Eastern District of Arkansas.

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 17-2249

David Librace

Appellant

v.

Nancy A. Berryhill, Acting Commissioner of the Social Security Administration

Appellee

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Appeal from U.S. District Court for the Eastern District of Arkansas - Helena  
(2:16-cv-00007-DPM)

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**ORDER**

The petition for rehearing by the panel is denied.

March 20, 2018

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION

DAVID LIBRACE

PLAINTIFF

v.

No. 2:16-cv-7-DPM

SOCIAL SECURITY ADMINISTRATION,  
Commissioner

DEFENDANT

AMENDED JUDGMENT

Librace's complaint is dismissed with prejudice.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

26 April 2017

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION

DAVID LIBRACE

PLAINTIFF

v.

No. 2:16-cv-7-DPM-PSH

SOCIAL SECURITY ADMINISTRATION,  
Commissioner

DEFENDANT

JUDGMENT

The complaint is dismissed without prejudice.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

15 November 2016

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from this filing is  
available in the  
Clerk's Office.**