

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

No: 22-2948

Michael J. Harvey, SSA #3FT6-GWO-RG70

Appellant

v.

Xavier Becerra, Department of Health and Human Services, Sec. for DHHS

Appellee

Appeal from U.S. District Court for the District of Minnesota
(0:21-cv-02693-ECT)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

August 31, 2023

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

/s/ Michael E. Gans

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Plaintiff - Appellant

v.

Xavier Becerra, Department of Health and Human Services, Sec. for DHHS

Defendant - Appellee

Appeal from U.S. District Court for the District of Minnesota
(0:21-cv-02693-ECT)

JUDGMENT

Before GRUENDER, GRASZ, and KOBES, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

April 26, 2023

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

United States Court of Appeals
For the Eighth Circuit

No. 22-2948

Michael J. Harvey, SSA #3FT6-GWO-RG70

Plaintiff - Appellant

v.

Xavier Becerra, Department of Health and Human Services, Sec. for DHHS

Defendant - Appellee

Appeal from United States District Court
for the District of Minnesota

Submitted: April 21, 2023

Filed: April 26, 2023

[Unpublished]

Before GRUENDER, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

Michael Harvey appeals the district court's¹ dismissal of his pro se civil action for lack of subject matter jurisdiction. Upon careful de novo review, *see Hastings v.*

¹The Honorable Eric C. Tostrud, United States District Judge for the District of Minnesota.

Wilson, 516 F.3d 1055, 1058 (8th Cir. 2008) (explaining that this court reviews de novo the grant of a motion to dismiss for lack of subject matter jurisdiction), we affirm for the reasons stated by the district court. *See* 8th Cir. R. 47B.
