

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-10732
Non-Argument Calendar

D.C. Docket No. 1:15-cv-00329-AJB

AYESHA AKBAR,

Plaintiff-Appellant,

versus

COMMISSIONER, SOCIAL SECURITY ADMINISTRATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

(March 30, 2020)

Before ED CARNES, Chief Judge, WILSON, and ANDERSON, Circuit Judges.

PER CURIAM:

Ayesha Akbar appeals a district court order granting her post-judgment motion for clarification and denying as moot her post-judgment motions to submit additional information. On appeal, she argues only the merits of her social security disability claim, but we do not have that claim before us. For that reason her appeal fails.

I.

In August 2008 Akbar applied for Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI) from the Social Security Administration. After a hearing, an administrative law judge issued a decision finding that Akbar was not disabled for purposes of DIB or SSI. She appealed that decision to the Social Security Administration's Appeals Council, which remanded her case back to the ALJ so he could provide additional rationales for his decision. After two additional hearings, the ALJ again denied her claim. Akbar again appealed, but the Appeals Council denied her request for review.

In February 2015 Akbar filed a counseled complaint with the district court requesting review. She alleged that the decision denying her benefits was not supported by substantial evidence and had applied incorrect legal principles. In September 2016 the district court issued an order reversing the Commissioner's decision and remanding for further proceedings. The court gave various reasons

for its decision, such as the fact the ALJ did not clearly state the weight it gave to various opinions from Akbar's treating physicians.

On March 17, 2017, the ALJ once again denied Akbar's claim. The Appeals Council denied her request for review on July 8, 2017. In its denial, the Appeals Council noted that in Akbar's request for review she had contended that the district court had awarded her DIB. The Appeals Council instructed her that she could file "a new civil action" if she wanted a district court to review the ALJ's most recent decision denying her DIB.

Instead, on July 26, 2017, Akbar filed a pro se motion for "Claimants Title II Insurance Benefits." She appeared to have construed the district court's prior order to reverse and remand her case as an order entitling her to DIB. The district court denied her motion seeking DIB and explained its prior order, noting that her motion was not timely and that it lacked subject matter jurisdiction. In response Akbar filed three motions to enforce the district court's order reversing and remanding her case. In October 2017 the district court denied her three motions. The district court noted that if Akbar wanted review of the Commissioner's most recent decision, she should file a new civil action.

Instead, in August 2018 Akbar filed a motion for clarification regarding the district court's order to reverse and remand her case. And in January 2019 she

filed two motions to submit additional information in connection with the Social Security Administration canceling her Medicare Part B payments.

On February 15, 2019, the district court granted her motion for clarification and denied as moot her motions to submit additional information. The court explained that it did not reverse the ALJ's decision for calculation and payment of benefits or for the ALJ to find Akbar's treating physician's opinions true, but instead for the Commissioner to further weigh medical opinions and consider her claims in light of the record. The court explained that the Commissioner had adhered to its order and then denied her DIB, which she never appealed. And the Court explained that the denial of Akbar's DIB was final, and the Commissioner correctly refused to issue her benefits. Regarding Akbar's motions to submit additional information, the court explained that even if the cancellation of her Medicare Part B payments was improper, it lacked jurisdiction because she failed to show that she had exhausted her administrative remedies.

II.

The courts of appeals have jurisdiction over “appeals from all final decisions of the district courts of the United States.” 28 U.S.C. § 1291. The final judgment rule requires “that a party must ordinarily raise all claims of error in a single appeal following final judgment on the merits.” Firestone Tire & Rubber Co. v. Risjord,

449 U.S. 368, 374 (1981). The denial of a motion to enforce a final judgment is a final, appealable order. Gilbert v. Johnson, 490 F.2d 827, 829 (5th Cir. 1974).¹

In civil cases, the timely filing of a notice of appeal is a mandatory prerequisite to the exercise of appellate jurisdiction. Green v. Drug Enf't Admin., 606 F.3d 1296, 1300–02 (11th Cir. 2010). A notice of appeal in a civil case must be filed within 60 days after the judgment or order appealed from is entered if the United States is a party. Fed. R. App. P. 4(a)(1)(B). The time to appeal is measured from the day the judgment or order is entered on the docket. See Fed. R. App. P. 4(a); Jones v. Gann, 703 F.2d 513, 514 (11th Cir. 1983).

“[T]he law is by now well settled in this Circuit that a legal claim or argument that has not been briefed before [us] is deemed abandoned and its merits will not be addressed.” Access Now, Inc. v. S.W. Airlines Co., 385 F.3d 1324, 1330 (11th Cir. 2004). We read “briefs filed by pro se litigants liberally . . . [but] issues not briefed on appeal by a pro se litigant are [still] deemed abandoned.” Timson v. Sampson, 518 F.3d 870, 874 (11th Cir. 2008).

Here the only district court order that we have jurisdiction to review is the order granting Akbar’s motion for clarification and denying her motion to submit additional information, as it is the only order from which she timely appealed. But

¹ In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), this Court adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.

Akbar has attempted to litigate the merits of her claim for DIB instead of raising any arguments related to the district court's order over which we have jurisdiction. That means Akbar has abandoned any challenge to that order by failing to brief it on appeal.

AFFIRMED.