

ON REHEARING**UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1575

MEGAN WILSON,

Plaintiff – Appellant,

v.

FRANK BISIGNANO, Commissioner of Social Security,

Defendant – Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., District Judge. (3:22-cv-00087-RJC)

Submitted: September 11, 2024

Decided: May 13, 2025

Before AGEE, RUSHING, and BENJAMIN, Circuit Judges.

Vacated and remanded with instructions by unpublished per curiam opinion.

ON BRIEF: George C. Piemonte, MARTIN, JONES & PIEMONTE, Charlotte, North Carolina, for Appellant. Brian C. O'Donnell, Associate General Counsel, David E. Somers, III, Attorney, Office of the General Counsel, SOCIAL SECURITY ADMINISTRATION, Baltimore, Maryland; SOCIAL SECURITY ADMINISTRATION, Baltimore, Maryland; Dena J. King, United States Attorney, David N. Mervis, Special Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Based on Defendant’s petition for panel rehearing, the panel grants panel rehearing, vacates the prior panel opinion, and issues a new panel opinion below.

* * *

Petitioner Megan Wilson appeals the district court’s denial of Social Security disability benefits. She argues that the administrative law judge (“ALJ”) erred under *Shelley C. v. Commissioner of Social Security Administration*, 61 F.4th 341 (4th Cir. 2023), by relying on objective findings from mental status examinations to discredit her subjective testimony about her symptoms. Because Wilson’s agency proceedings took place before *Shelley C.* was decided, the ALJ did not have the opportunity to consider its application to the instant case. And because *Shelley C.* was decided after briefing was complete in the district court, Wilson did not develop any arguments in that court about *Shelley C.*’s application beyond advising the court of *Shelley C.*’s existence.

We are “a court of review, not of first view.” *Lovelace v. Lee*, 472 F.3d 174, 203 (4th Cir. 2006) (quoting *Cutter v. Wilkinson*, 544 U.S. 709, 718 n.7 (2005)). In keeping with that understanding, we hereby vacate the district court’s decision and remand to the district court for consideration in light of *Shelley C.*

VACATED AND REMANDED WITH INSTRUCTIONS