

FEB 26 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CHRISTOPHER DUPREE,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>JEANNE WOODFORD, in her individual capacity; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
---

No. 06-56446

D.C. No. CV-04-10443-ABC

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Audrey B. Collins, District Judge, Presiding

Submitted February 18, 2009\*\*

Before: BEEZER, FERNANDEZ and W. FLETCHER, Circuit Judges.

Christopher DuPree, a California state prisoner, appeals pro se from the  
district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to

---

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

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

exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a). We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo a district court's order dismissing for failure to exhaust administrative remedies, *Wyatt v. Terhune*, 315 F.3d 1108, 1117 (9th Cir. 2003), and we affirm.

The district court properly dismissed the action because DuPree did not complete the prison grievance process prior to filing suit. *See Woodford v. Ngo*, 548 U.S. 81, 93-95 (2008) (holding that proper exhaustion under § 1997e(a) is mandatory and requires adherence to administrative procedural rules); *McKinney v. Carey*, 311 F.3d 1198, 1199 (9th Cir. 2002) (holding that § 1997e(a) requires dismissal of a lawsuit when the plaintiff does not exhaust administrative remedies prior to filing suit).

DuPree's remaining contentions are unpersuasive.

**AFFIRMED.**