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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AVON DAVIES, Plaintiff - Appellant, v. R. HUGHES, Correctional Officer; et al., Defendants - Appellees.	No. 08-17466 D.C. No. 5:06-cv-04844-JW MEMORANDUM[*]

Appeal from the United States District Court
for the Northern District of California
James Ware, District Judge, Presiding

Submitted September 14, 2009[**]

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Avon Davies, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to exhaust administrative remedies pursuant to the Prison Litigation Reform Act ("PLRA"),

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[*] 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).

42 U.S.C. § 1997e(a). We have jurisdiction under 28 U.S.C. § 1291. We review the district court's application of substantive law de novo and its factual determinations for clear error, *Wyatt v. Terhune*, 315 F.3d 1108, 1117 (9th Cir. 2003), and we affirm.

The district court properly dismissed the action because Davies's procedurally defective grievance did not constitute proper exhaustion. *See Woodford v. Ngo*, 548 U.S. 81, 83-84 (2006) (explaining that the PLRA's "proper exhaustion" requirement cannot be satisfied "by filing . . . [a] procedurally defective administrative grievance or appeal."). Further, Davies's conclusory pleadings and submissions opposing the motion to dismiss were insufficient to show that prison officials frustrated his ability to grieve.

Davies's contention that his claims should be exempt from the PLRA's exhaustion requirement are unavailing. *See Porter v. Nussle*, 534 U.S. 516, 532 (2002) (holding that the PLRA's exhaustion requirement applies to all inmate suits about prison life); *Booth v. Churner*, 532 U.S. 731, 739-41 (2001) (holding that exhaustion of available administrative remedies is mandatory under the PLRA).

Davies's remaining contentions are unpersuasive.

AFFIRMED.