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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAMES MORRIS JACKSON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>PALACIOS, Correctional Officer; et al.,</p> <p>Defendants - Appellees.</p>
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No. 08-56869

D.C. No. 2:07-cv-04466-R-E

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Manuel L. Real, District Judge, Presiding

Submitted December 15, 2009\*\*

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

James Morris Jackson, a California state prisoner, appeals pro se from the district court's judgment in his 42 U.S.C. § 1983 action for failure to exhaust

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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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

administrative remedies pursuant to the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a). We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo the district court’s dismissal for failure to exhaust, and for clear error its factual determinations, *Wyatt v. Terhune*, 315 F.3d 1108, 1117 (9th Cir. 2003), and we affirm.

The district court properly dismissed the action because Jackson’s failure to submit an appeal within the fifteen-working-day deadline did not constitute proper exhaustion. *See Woodford v. Ngo*, 548 U.S. 81, 83-84, 95 (2006) (holding that “proper exhaustion” under 42 U.S.C. § 1997 is mandatory and cannot be satisfied “by filing an untimely or otherwise procedurally defective administrative grievance or appeal”); *see also* Cal.Code Regs. tit. 15, § 3084.6(c) (providing that an inmate must submit an administrative appeal within fifteen working days of the event or decision being appealed).

Jackson’s remaining contentions are unpersuasive.

**AFFIRMED.**