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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JEFF AIDNIK,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>BILL RUSSELL, Supervisor Plant OP and SHAWN O'CONNOR, Plant Manager,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 09-16638

D.C. No. 2:07-cv-01273-MCE-
EFB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Jeff Aidnik, 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 under the Prison Litigation Reform Act, 42 U.S.C.

* 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).

§ 1997e(a). We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Wyatt v. Terhune*, 315 F.3d 1108, 1117 (9th Cir. 2003), and we affirm.

The district court properly dismissed the action because Aidnik conceded that he failed to exhaust prison grievance procedures prior to filing suit. *See Wyatt*, 315 F.3d at 1120 (“A prisoner’s concession to nonexhaustion is a valid ground for dismissal”); *see also Booth v. Churner*, 532 U.S. 731, 741 (2001) (requiring exhaustion of administrative remedies regardless of the type of relief sought); *McKinney v. Carey*, 311 F.3d 1198, 1199 (9th Cir. 2002) (per curiam) (requiring exhaustion of administrative remedies prior to filing suit).

Aidnik’s remaining contentions are unpersuasive.

AFFIRMED.