

OCT 04 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ENCARNACION AGUILAR,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>WILLIAM KULOLOIA; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 09-16734

D.C. No. 2:06-cv-01002-KJD-PAL

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Submitted September 22, 2010**

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

The amended complaint was correctly dismissed because Encarnacion Aguilar (“Aguilar”) did not properly exhaust prison grievance procedures as required by the Prison Litigation Reform Act. *See Woodford v. Ngo*, 548 U.S. 81,

* 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)*.

93-95 (2006) (“proper exhaustion” under section 1997e(a) is mandatory and requires adherence to administrative procedural rules).

The district court did not abuse its discretion by denying Aguilar’s motions for appointment of counsel because he failed to demonstrate exceptional circumstances warranting appointment of counsel. *See Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991).

The district court did not abuse its discretion by denying Aguilar’s post-judgment motion because he failed to show grounds justifying reconsideration. *See School Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993) (setting forth grounds for reconsideration).

AFFIRMED.