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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAYMOND GONZALEZ,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>GARY PENROD, San Bernardino County Sheriff, individual and official capacity and SCHNEIDER, San Bernardino County Deputy Sheriff, individual,</p> <p>Defendants - Appellees.</p>
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No. 09-55647

D.C. No. 5:07-cv-01463-DOC-MLG

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
David O. Carter, District Judge, Presiding

Submitted September 22, 2010\*\*

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

The district court properly dismissed the action because Raymond Gonzalez (“Gonzalez”) failed to exhaust administrative remedies prior to filing suit. *See*

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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).

*Woodford v. Ngo*, 548 U.S. 81, 90, 95 (2006) (“proper exhaustion” under 42 U.S.C. § 1997e(a) is mandatory and requires adherence to administrative procedural rules).

We decline to consider arguments presented for the first time on appeal.

*Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999).

Gonzalez’s remaining contentions are unpersuasive.

**AFFIRMED.**