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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DANIEL HARPER,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>NELSON, Correctional Officer,</p> <p>Defendant - Appellee.</p>

No. 10-15083

D.C. No. 2:07-cv-02131-MCE-
EFB

MEMORANDUM*

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

Submitted November 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

California state prisoner Daniel Harper appeals pro se from the district court's judgment dismissing without prejudice his 42 U.S.C. § 1983 action for failure to exhaust administrative remedies under the Prison Litigation Reform Act,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is 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 de novo. *Wyatt v. Terhune*, 315 F.3d 1108, 1117 (9th Cir. 2003). We affirm.

The district court properly dismissed Harper’s action because he did not complete the prison grievance process as to any relevant grievance before filing suit in federal court. *See Griffin v. Arpaio*, 557 F.3d 1117, 1120 (9th Cir. 2009) (affirming dismissal for failure to exhaust prison remedies where inmate’s grievance failed to “alert[] the prison to the nature of the wrong for which redress [was] sought”); *McKinney v. Carey*, 311 F.3d 1198, 1199 (9th Cir. 2002) (per curiam) (exhaustion under § 1997e(a) must occur prior to commencement of the action). Further, Harper failed to show that additional remedies were unavailable to him.

Harper’s remaining contentions are unpersuasive.

Harper’s pending motions are denied.

AFFIRMED.