

APR 23 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GEORGE HAMILTON,

Plaintiff - Appellant,

v.

AGUIRRE; et. al.,

Defendants - Appellees.

No. 11-15965

D.C. No. 1:04-cv-05129-OWW-
MJS

MEMORANDUM*

Appeal from the United States District Court
for Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted April 16, 2013**

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

California state prisoner George Hamilton appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to exhaust administrative remedies. We have jurisdiction under 28 U.S.C. § 1291. We

* 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).

review de novo. *Wyatt v. Terhune*, 315 F.3d 1108, 1117 (9th Cir. 2003). We affirm.

The district court properly dismissed Hamilton's action without prejudice because Hamilton did not exhaust prison grievance procedures concerning his claims. *See Woodford v. Ngo*, 548 U.S. 81, 93-95 (2006) (exhaustion is mandatory and must be done in a timely manner consistent with prison policies).

Hamilton's contentions regarding equitable estoppel, access to legal materials, defendants' misconduct, and judicial bias are without merit.

Hamilton's pending motions are denied.

AFFIRMED.