

OCT 8 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RICHARD LAWRENCE ISGRIGG, III,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>J. LEBECK, Correctional Officer; et al.,</p> <p>Defendants - Appellees.</p>
--

No. 13-16850

D.C. No. 2:11-cv-02780-KJM-CKD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted September 23, 2014**

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

California state prisoner Richard Lawrence Isgrigg, III, appeals pro se from the district court’s judgment dismissing for failure to exhaust administrative remedies his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo,

* 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).

Sapp v. Kimbrell, 623 F.3d 813, 821 (9th Cir. 2010), and we affirm.

The district court properly concluded that Isgrigg failed to exhaust his administrative remedies and that his failure was not excused because Isgrigg did not establish that administrative remedies were effectively unavailable to him. *See id.* at 823 (describing limited circumstances under which administrative remedies are deemed unavailable or exhaustion is excused, such as where prison officials screened out inmate's appeals for improper reasons); *Nunez v. Duncan*, 591 F.3d 1217, 1224, 1226 (9th Cir. 2010) (plaintiff bears burden of proving that administrative remedies are unavailable, such as where prisoner took reasonable and appropriate steps to exhaust, but was precluded from exhausting by the warden's mistake).

Isgrigg's motion for access to the prison law library, filed on August 26, 2014, and accompanying requests for appointment of counsel and for the placement of a paralegal or an attorney at the facility law library, are denied.

AFFIRMED.