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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>CARLOS ARMANDO ORTEGA,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>MARK RITCHIE, M.D.; et al.,</p> <p>Defendants - Appellees.</p> |
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No. 13-17127

D.C. No. 4:09-cv-05527-SBA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Saundra B. Armstrong, District Judge, Presiding

Submitted January 21, 2015**

Before: CANBY, GOULD, and N.R. SMITH, Circuit Judges.

Carlos Armando Ortega appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action for failure to exhaust his available administrative remedies. We have jurisdiction under 28 U.S.C. § 1291. We review de novo legal rulings on the exhaustion of administrative remedies. *Albino*

* 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).

v. Baca, 747 F.3d 1162, 1171 (9th Cir. 2014) (en banc). We affirm.

The district court properly concluded that Ortega failed to exhaust his administrative remedies because Ortega did not appeal the relevant grievance decisions to the final level of review before presenting his claims to the district court. *See Woodford v. Ngo*, 548 U.S. 81, 85, 93-95 (2006) (holding that “proper exhaustion” is mandatory and requires adherence to administrative procedural rules).

Because we affirm on the basis of Ortega’s failure to exhaust, we do not address Ortega’s contentions concerning the merits of his claims.

We lack jurisdiction to consider the district court’s post-judgment order denying Ortega’s motion for reconsideration because Ortega failed to file a new or amended notice of appeal from that order. *See Fed. R. App. P. 4(a)(4)(B)(ii)*.

AFFIRMED.