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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GEORGE KENNETH COLBERT,

Plaintiff-Appellant,

v.

M. CARRASCO; et al.,

Defendants-Appellees.

No. 15-16563

D.C. No. 1:11-cv-00010-AWI-  
GSA

MEMORANDUM\*

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

Submitted October 25, 2016\*\*

Before: LEAVY, GRABER, and CHRISTEN, Circuit Judges.

California state prisoner George Kenneth Colbert appeals pro se from the district court's summary judgment for failure to exhaust administrative remedies in his 42 U.S.C. § 1983 action alleging a First Amendment retaliation claim. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Albino v. Baca*,

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\* 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).

747 F.3d 1162, 1168 (9th Cir. 2014) (en banc). We affirm.

The district court properly granted summary judgment because Colbert failed to raise a genuine dispute of material fact as to whether he properly exhausted his available administrative remedies with respect to the claim at issue in this case. *See id.* at 1171-72 (setting forth respective burdens where a defendant argues that a prisoner failed to exhaust under the Prison Litigation Reform Act); *Sapp v. Kimbrell*, 623 F.3d 813, 824 (9th Cir. 2010) (“A grievance suffices to exhaust a claim if it puts the prison on adequate notice of the problem for which the prisoner seeks redress.”).

**AFFIRMED.**