

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 26 2017

FOR THE NINTH CIRCUIT

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

ENRIQUE ORTIZ,

Plaintiff-Appellant,

v.

COLE, Avenal State Prison Correction
Officer,

Defendant-Appellee.

No. 15-17555

D.C. No. 1:14-cv-00637-DAD-
DLB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Enrique Ortiz, a former California state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging excessive force. We have jurisdiction under 28 U.S.C. § 1291. We review de

* 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).

novo the district court's summary judgment for failure to exhaust administrative remedies. *Williams v. Paramo*, 775 F.3d 1182, 1191 (9th Cir. 2015). We affirm.

The district court properly granted summary judgment because Ortiz failed to raise a genuine dispute of material fact as to whether he properly exhausted his administrative remedies. *See Ross v. Blake*, 136 S. Ct. 1850, 1856 (2016) (exhaustion under the Prison Litigation Reform Act is mandatory).

AFFIRMED.