

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2017

FOR THE NINTH CIRCUIT

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

VASILIS FOTIOU SAKELLARIDIS,

No. 17-16009

Plaintiff - Appellant,

D.C. No. 1:15-cv-001776-DAD-
MJS

v.

J. CABRERA, Correctional Officer at
CSP-Corcoran,

MEMORANDUM*

Defendant - Appellee.

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

Submitted December 18, 2017**

Before: WALLACE, SILVERMAN and BYBEE, Circuit Judges.

California state prisoner Vasilis Fotiou Sakellaridis appeals pro se from the district court's summary judgment for failure to exhaust in his 42 U.S.C. § 1983 action alleging retaliation in violation of the First Amendment. We have

* 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).

jurisdiction under 28 U.S.C. § 1291. We review de novo, *Andres v. Marshall*, 867 F.3d 1076, 1077 (9th Cir. 2017), and we affirm.

The district court properly granted summary judgment because Sakellaridis did not exhaust his administrative remedies, and he failed to raise a genuine dispute of material fact as to whether administrative remedies were effectively unavailable to him. *See Williams v. Paramo*, 775 F.3d 1182, 1191 (9th Cir. 2015) (setting forth the burden-shifting framework for exhaustion); *see also Ross v. Blake*, 136 S. Ct. 1850, 1858-60 (2016) (setting forth circumstances when administrative remedies are unavailable).

AFFIRMED.