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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAYMOND GONZALEZ,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>GARY PENROD, San Bernardino County Sheriff, individual and official capacity and SCHNEIDER, San Bernardino County Deputy Sheriff, individual,</p> <p>Defendants - Appellees.</p>
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No. 09-55647

D.C. No. 5:07-cv-01463-DOC-MLG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted September 22, 2010**

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

The district court properly dismissed the action because Raymond Gonzalez (“Gonzalez”) failed to exhaust administrative remedies prior to filing suit. *See*

* 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).

Woodford v. Ngo, 548 U.S. 81, 90, 95 (2006) (“proper exhaustion” under 42 U.S.C. § 1997e(a) is mandatory and requires adherence to administrative procedural rules).

We decline to consider arguments presented for the first time on appeal.

Smith v. Marsh, 194 F.3d 1045, 1052 (9th Cir. 1999).

Gonzalez’s remaining contentions are unpersuasive.

AFFIRMED.