

United States Court of Appeals
For the Eighth Circuit

No. 16-2665

Xavier Cravenwolfe

Plaintiff - Appellant

v.

Robert Carter, ACI Director; Tim Lowery, ACI Furniture Factory Plant Manager;
Randal Raper, ACI Furniture Factory Floor Manager

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: November 15, 2016

Filed: November 29, 2016

[Unpublished]

Before MURPHY, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Arkansas inmate Xavier Cravenwolfe appeals after the district court¹ dismissed his 42 U.S.C. § 1983 action without prejudice, following its determination that Cravenwolfe failed to exhaust administrative remedies.

We conclude that the district court did not err in its determination, as the record showed beyond genuine dispute that Cravenwolfe omitted material information that was required on a grievance appeal form. *See* 42 U.S.C. § 1997e(a) (no action shall be brought with respect to prison conditions under § 1983 by prisoner until such administrative remedies as are available are exhausted); *King v. Iowa Dep't. of Corr.*, 598 F.3d 1051, 1052 (8th Cir. 2010) (de novo review of district court's interpretation of § 1997e(a)); *see also Jones v. Bock*, 549 U.S. 199, 218 (2007) (prison's administrative exhaustion requirements govern whether exhaustion has occurred); *Woodford v. Ngo*, 548 U.S. 81, 90-91 (2006) (proper exhaustion demands compliance with prison's deadlines and other critical procedural rules); *Chelette v. Harris*, 229 F.3d 684, 688 (8th Cir. 2000) (inmate's subjective beliefs about grievance process cannot excuse exhaustion requirement).

Accordingly, we affirm. *See* 8th Cir. R. 47B. We also deny as moot Cravenwolfe's pending motion for appointment of counsel.

¹The Honorable James M. Moody Jr., United States District Judge for the Eastern District of Arkansas.