

United States Court of Appeals
For the Eighth Circuit

No. 17-1210

Clifford J. Schuett

Plaintiff - Appellant

v.

L. LaRiva, Warden; M. Smith

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota - Minneapolis

Submitted: September 7, 2017

Filed: September 12, 2017

[Unpublished]

Before COLLOTON, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

In this pro se civil-rights action, federal prisoner Clifford Schuett appeals after the District Court¹ dismissed his lawsuit without prejudice for failure to exhaust administrative remedies. He has also moved for appointment of counsel.

We have reviewed the record and the parties' arguments on appeal, and we conclude that dismissal was appropriate. See 42 U.S.C. § 1997e(a) (requiring exhaustion of available administrative remedies before a prisoner may bring a federal action challenging prison conditions under the Prison Litigation Reform Act (PLRA)); King v. Iowa Dep't of Corr., 598 F.3d 1051, 1052 (8th Cir.) (reviewing de novo a dismissal under § 1997e(a)), cert. denied, 562 U.S. 966 (2010); Johnson v. Jones, 340 F.3d 624, 627 (8th Cir. 2003) (“Under the plain language of section 1997e(a), an inmate must exhaust administrative remedies *before* filing suit in federal court.”); see also McAlphin v. Toney, 375 F.3d 753, 755 (8th Cir. 2004) (per curiam) (“[A] claim falling within the imminent danger exception to 28 U.S.C. § 1915(g) must nonetheless meet the mandatory exhaustion requirements of 42 U.S.C. § 1997e(a).”).

We affirm the District Court and deny Schuett's motion for appointment of counsel.

¹The Honorable Wilhelmina M. Wright, United States District Judge for the District of Minnesota, partially adopting the report and recommendations of the Honorable Steven E. Rau, United States Magistrate Judge for the District of Minnesota.