

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NAKIA PETTUS,

Plaintiff,

v.

UNITED STATES BUREAU OF
PRISONS, et al.,

Defendant(s).

No. C 08-00741 CRB (PR)

ORDER REQUIRING
SUPPLEMENTAL BRIEF

Now pending before the Court is Defendant D. Smith's Motion to Dismiss Plaintiff's claims for failure to exhaust administrative remedies as required by 42 U.S.C. § 1997e(a).

A federal prisoner may seek formal review of an issue that relates to any aspect of his imprisonment under 28 C.F.R. § 542.10. The procedure requires that the prisoner first address his complaint to the institution staff. See 28 C.F.R. § 542.14(c)(4), Form BP-9. If dissatisfied with the response at that level, the inmate may appeal his complaint to the regional Director of the Bureau of Prisons ("BoP"). See id. § 542.15(a), Form BP-10. Finally, the prisoner may appeal his case to the General Counsel in the Central Office of the BoP, which is the "final

1 administrative appeal.” See id., Form BP-11.

2 The Court has reviewed Plaintiff’s complaint and his opposition to
3 Defendant’s Motion to Dismiss.¹ Plaintiff has not clearly alleged that he availed
4 himself of the BoP grievance process outlined above. Plaintiff is therefore
5 ORDERED to notify the Court within 30 (thirty) days of this Order as to all of
6 the steps he has undertaken to seek formal review of the issues remaining in his
7 case within the BoP grievance process.

8 IT IS SO ORDERED.

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10 DATED: November 18, 2009



11 CHARLES R. BREYER
12 United States District Judge

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26 ¹ As noted in the Court’s August 31, 2009 Order re Defendant’s Motion to Stay, the
27 Court received Plaintiff’s papers purporting to oppose Defendant’s “motion for
28 summary judgment or dispositive motion” and has construed such documents as
an opposition to Defendant’s Motion to Dismiss.