

1 In his complaint, Plaintiff concedes that while he filed a grievance, the process has not yet been
2 completed. (ECF No. 1, Comp., p. 2.) Thus, it appears Plaintiff filed suit prematurely without first
3 exhausting in compliance with section 1997e(a).

4 Accordingly, Plaintiff is HEREBY ORDERED to show cause within **twenty-one (21) days**
5 from the date of service of this order why this action should not be dismissed, without prejudice, for
6 failure to exhaust prior to filing suit. See, e.g., Albino v. Baca, 747 F.3d 1162, 1169 (9th Cir. 2014)
7 (in rare cases where a failure to exhaust is clear from the face of the complaint it may be dismissed for
8 failure to state a claim); Lucas v. Director of Dept. of Corrections, 2015 WL 1014037, *4 (E.D. Cal.
9 Mar. 6, 2015) (relying on Albino and dismissing complaint without prejudice on screening due to
10 plaintiff's failure to exhaust administrative remedies prior to filing suit).

11 IT IS SO ORDERED.

12 Dated: May 4, 2015

13 /s/ Barbara A. McAuliffe
14 UNITED STATES MAGISTRATE JUDGE
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