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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LONNIE DANGERFIELD,
Plaintiff,
v.
UNKNOWN, et al.,
Defendants.

Case No. 1:16-cv-00806-JLT (PC)
ORDER REQUIRING PLAINTIFF
TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED,
WITHOUT PREJUDICE, FOR FAILURE
TO EXHAUST ADMINISTRATIVE
REMEDIES PRIOR TO FILING SUIT

(Doc. 1)
30-DAY DEADLINE

This action under 42 U.S.C. § 1983 was transferred in from the United States District Court for the Northern District of California on June 10, 2016.

The Prison Litigation Reform Act of 1995 requires that “[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” 42 U.S.C. § 1997e(a). Prisoners are required to exhaust the available administrative remedies prior to filing suit. *Jones v. Bock*, 549 U.S. 199, 211 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1199-1201 (9th Cir. 2002). Exhaustion is required regardless of the relief sought by the prisoner and regardless of the relief offered by the process, *Booth v. Churner*, 532 U.S. 731, 741 (2001), and the exhaustion requirement applies to all suits relating to prison life, *Porter v. Nussle*, 435 U.S. 516 (2002).

1 In the complaint,¹ Plaintiff concedes that while there is an appeals/grievance procedure at
2 the institution, he did not present the facts in the complaint for review through that procedure.
3 (Doc. 1, Comp., p. 1.) Thus, it appears Plaintiff filed suit prematurely without first exhausting in
4 compliance with section 1997e(a). *Wyatt v. Terhune*, 315 F.3d 1108, 1120 (9th Cir. 2003) (“A
5 prisoner’s concession to nonexhaustion is a valid ground for dismissal. . .”). Accordingly, the
6 Court **ORDERS**:

7 1. **Within 30 days** Plaintiff **SHALL** show cause in writing why this action should not
8 be dismissed, without prejudice, for failure to exhaust administrative remedies prior to filing suit.

9 **Plaintiff is advised that his failure to respond will result in the Court dismissing the**
10 **action without prejudice.**

11 IT IS SO ORDERED.

12 Dated: **September 22, 2016**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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27 ¹ It is also noteworthy that the Complaint is blank, other than Plaintiff’s name, identifying information, “x” marks on
28 a packet of exhibits, but without allegations in the Complaint, a purpose and intent behind the filing of the exhibits
cannot be ascertained.