Under the Prison Litigation Reform Act, the failure to exhaust administrative remedies is an affirmative defense that defendants must plead and prove. *Jones v. Bock*, 549 U.S. 199, 216 (2007) (construing 42 U.S.C. § 1997e(a)). Defendants may raise the affirmative defense of exhaustion by motion for summary judgment. *See Campbell v. Borges*, No. CIV S-06-1135 GEB EFB P, 2007 WL 2428306, at *1 (E.D. Cal. Aug. 23, 2007), *findings and recommendations adopted*, No. 2:06-CV-1135-GEB-EFB-P, 2007 WL 2853611 (E.D. Cal. Sept. 27, 2007).

25

26

27

28

1	Although the exhaustion motion deadline has passed, the Court is obligated to determine the issue
2	of exhaustion as soon as possible. In addition, failure to comply with the PLRA is jurisdictional.
3	Thus, the Court will GRANT the defendants' request. The defendants SHALL file the motion for
4	summary judgment related to exhaustion, if at all, no later than June 1, 2021.
5	
6	IT IS SO ORDERED.
7	Dated: March 31, 2021/s/ Jennifer L. Thurston CHIEF UNITED STATES MAGISTRATE JUDGE
8	CHIEF UNITED STATES MAGISTRATE JUDGE
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	