

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES MICHAEL PAPAZIAN,  
Plaintiff,  
v.  
J. DOERER,  
Defendant.

Case No. 1:24-cv-01182-HBK (PC)  
ORDER DISCHARGING DECEMBER 20,  
2024 SHOW CAUSE ORDER  
(Doc. No. 7)

Plaintiff, a federal prisoner incarcerated at United States Penitentiary, Atwater, proceeds pro se in this civil action. On December 20, 2024, the Court issued an order to show cause why this case should not be dismissed for failure to exhaust administrative remedies. (Doc. No. 7, “Show Cause Order”). On February 28, 2025, after being granted an extension of time, Plaintiff filed a response to the Show Cause Order. (Doc. No. 14).

In his response, Plaintiff contends that administrative remedies were unavailable. (*Id.* at 4). Accepting Plaintiff’s assertions as true, the Court will discharge the Show Cause Order. A prisoner need not plead or prove exhaustion. Instead, it is an affirmative defense that must be proved by defendant. *Jones v. Bock*, 549 U.S. 199, 211 (2007). A prison’s internal grievance process, not the PLRA, determines whether the grievance satisfies the PLRA exhaustion requirement. *Id.* at 218. The Court’s discharge of the Show Cause Order is not a ruling on the

1 merits as to whether Plaintiff properly and fully exhausted his available administrative remedies  
2 on any of his claims.

3 Accordingly, it is hereby ORDERED:

4 The Court discharges its December 20, 2024 Show Cause Order (Doc. No. 7) and will  
5 screen Plaintiff's First Amended Complaint in due course.

6

7

Dated: March 10, 2025

8

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28