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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FREDERICK M. AVILA, SR.,

No. C 06-6913 MHP (pr)

Plaintiff,

ORDER

v.

SERGEANT TURNER; et al.,

Defendant.

Plaintiff's post-judgment motion for an extension of time to exhaust his administrative remedies is DENIED because it is too late for him to satisfy the exhaustion requirement for this action. (Docket # 32.) Administrative remedies must be exhausted before the action is filed, and not while the action is pending or after it has been dismissed. See Vaden v. Summerhill, 449 F.3d 1047, 1050-51 (9th Cir. 2006).

IT IS SO ORDERED.

Dated: January 26, 2009


Marilyn Hall Patel
United States District Judge

United States District Court
For the Northern District of California