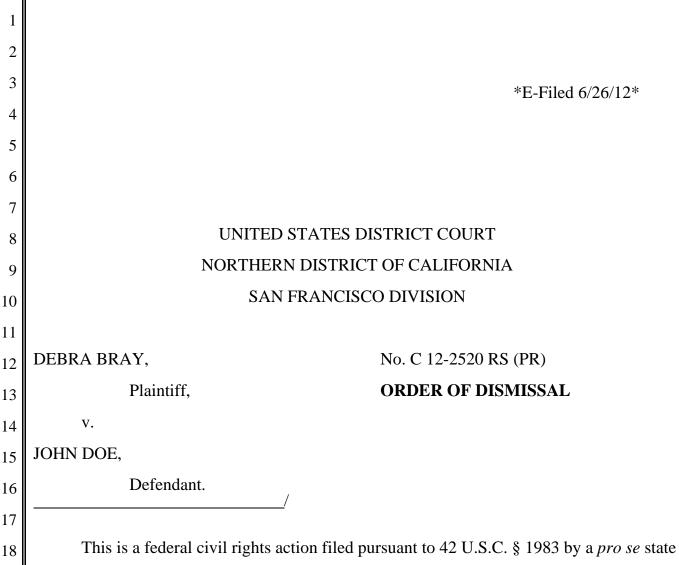


For the Northern District of California

**United States District Court** 

Bray



18 prisoner. By order of the Court, plaintiff was granted 30 days (1) to file a complete 19 application to proceed in forma pauperis ("IFP"), or (2) to pay the filing fee of \$350.00, or 20 face dismissal of the action. Plaintiff was also ordered to file a complaint. More than 30 21 days have passed since the order was filed, and plaintiff has not filed a complete IFP 22 application or a complaint, nor paid the filing fee. Accordingly, the action is DISMISSED 23 without prejudice. Any motion to reopen the action <u>must</u> contain (1) a complete IFP 24 application or payment for the entire filing fee of \$350.00, and (2) a complaint. Plaintiff's 25 motion for an extension of time (Docket No. 4) is DENIED. 26

> No. C 12-2520 RS (PR) ORDER OF DISMISSAL

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A statement in plaintiff's motion suggests that she has not exhausted her 1 administrative remedies. Plaintiff is reminded that she must exhaust all such remedies before 2 filing suit. Prisoners must properly exhaust their administrative remedies before filing suit 3 in federal court. "No action shall be brought with respect to prison conditions under [42 4 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other 5 correctional facility until such administrative remedies as are available are exhausted." 42 6 U.S.C. § 1997e(a). Exhaustion is mandatory and is no longer left to the discretion of the 7 district court. Woodford v. Ngo, 548 U.S. 81, 84 (2006) (citing Booth v. Churner, 532 U.S. 8 731, 739 (2001)). To exhaust properly administrative remedies in California state prisons, 9 inmates must proceed through a four-step process, which consists of (1) an informal attempt 10 at resolution; (2) a first-level formal appeal; (3) a second-level appeal to the institution head; 11 and (4) an appeal to the Director of the California Department of Corrections and 12 Rehabilitation. See 15 Cal. Code Regs. § 3084.5. If plaintiff moves to reopen, she must 13 show that she has exhausted all these procedures. The Clerk shall enter judgment in favor of 14 defendant, terminate Docket No. 4, and close the file. 15

## IT IS SO ORDERED.

DATED: June 26, 2012

RICHARD SEEBOR

United States District Judge

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