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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL PAUL WILLIAMS, Plaintiff - Appellant, v. JOE MCGRATH; et al., Defendants - Appellees.	No. 07-17066 D.C. No. CV-04-05069-MMC MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Maxine M. Chesney, District Judge, Presiding

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Michael Paul Williams, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

/Research

exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a) of the Prison Litigation Reform Act. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Wyatt v. Terhune*, 315 F.3d 1108, 1117 (9th Cir. 2003), and we affirm.

The district court properly dismissed the action because Williams did not properly exhaust prison grievance procedures prior to filing suit in federal court. *See Woodford v. Ngo*, 548 U.S. 81, 83-84 (2006) (holding that § 1997e(a) cannot be satisfied "by filing an untimely or otherwise procedurally defective administrative grievance or appeal").

Williams' remaining contentions are unpersuasive.

We deny Williams's motion to submit a late exhibit, which we construe as a motion to supplement the record on appeal. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990) (explaining that documents not presented to the district court are not part of the record on appeal).

AFFIRMED.