

July 28, 2003

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-30373
Summary Calendar

JESSIE T. CARTER,

Plaintiff-Appellant,

versus

EAST BATON ROUGE PARISH PRISON;
UNKNOWN MOORE, Deputy;
UNKNOWN ELGINFRISK, Deputy,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 02-CV-1021-D

Before HIGGINBOTHAM, DAVIS and PRADO, Circuit Judges.

PER CURIAM:*

Jessie T. Carter, Louisiana state prisoner # 333544, appeals the district court's dismissal without prejudice of his 42 U.S.C. § 1983 complaint for failure to exhaust his prison administrative remedies. Carter argues that he attempted to exhaust his prison remedies in the East Baton Rough Parish Prison system, but received no response.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

The exhaustion requirement applies to all inmate suits regardless of the forms of relief sought or the remedies offered by the administrative procedures. See Booth v. Churner, 532 U.S. 731, 739 (2001). Carter was therefore required to exhaust his administrative remedies. Clifford v. Gibbs, 298 F.3d 328, 332 (5th Cir. 2002).

Although defenses may be available to the exhaustion requirement, Carter has failed to assert any valid basis for the assertion of a defense. See Days v. Johnson, 322 F.3d 863, 866 (5th Cir. 2003). The judgment of the district court is AFFIRMED. Carter's motion for the appointment of counsel is DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982).