

April 28, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-41517
Summary Calendar

JAMES RICHARD SANTOS,

Plaintiff-Appellant,

versus

MIKE WHITE, Sheriff; RALPH OSBORNE, Jail Administrator,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:00-CV-38

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

James Richard Santos, Texas prisoner #923141, appeals the district court's dismissal without prejudice of his 42 U.S.C. § 1983 civil rights complaint for failure to exhaust administrative remedies. "No action shall be brought with respect to prison conditions under section 1983 . . . by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

exhausted." 42 U.S.C. § 1997e(a). This court reviews de novo the dismissal of an inmate's 42 U.S.C. § 1983 suit for failure to exhaust administrative remedies. Richardson v. Spurlock, 260 F.3d 495, 499 (5th Cir. 2001).

Santos admits that he "did nothing as far as a[n] appeal" before he filed the instant complaint. Santos alleges that he could not exhaust his administrative remedies because he feared for his life. Santos, however, admitted that he informed the disciplinary committee of the allegations giving rise to this suit, refuting his claim of fear. Santos has not shown that the district court erred in its ruling. Thus, judgment of the district court is AFFIRMED.