

FILED

August 18, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-30235
Conference Calendar

ENCISO RODRIGO ACEVES,

Plaintiff-Appellant,

versus

CHARLES T. FELTS; MARKLEY, Officer;
GREIR, Special Investigator Supervisor,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 03-CV-632

Before HIGGINBOTHAM, DAVIS, and PICKERING, Circuit Judges.

PER CURIAM:*

Enciso Rodrigo Aceves, federal prisoner #17690-198, appeals the dismissal for failure to exhaust of his pro se action under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), in which he alleged that the defendants failed to protect him from an attack by fellow inmates.

Because Aceves's appeal to the Bureau of Prisons General Counsel was pending at the time that he filed the instant suit,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 district court did not err in dismissing the action for failure to exhaust. See 42 U.S.C. § 1997e(a); Porter v. Nussle, 534 U.S. 516, 524 (2002); Powe v. Ennis, 177 F.3d 393, 394 (5th Cir. 1999). Aceves's ignorance of the law or his lack of legal assistance does not relieve Aceves of his obligation to exhaust available administrative remedies. See Fisher v. Johnson, 174 F.3d 710, 712-14 (5th Cir. 1999); Tighe v. Wall, 100 F.3d 41, 43 (5th Cir. 1996). The judgment of the district court is AFFIRMED.