

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 01-41013  
Conference Calendar

---

MICHAEL GLEN SCOTT,

Plaintiff-Appellant,

versus

AARON GRAHAM, Correctional Officer 2; NIKITA HOWE,  
Correctional Officer 4; MICHAEL J. MORGAN, Sergeant;  
BLAKE LAMB, Lieutenant; MITCHELL BRADSHAW, Captain,

Defendants-Appellees.

-----  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:01-CV-7  
-----

October 28, 2002

Before DeMOSS, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

Michael Glenn Scott (Texas prisoner # 762996) appeals the district court's dismissal of his civil rights complaint without prejudice for failure to exhaust administrative remedies.

42 U.S.C. § 1997e(a). Under 42 U.S.C. § 1997e(a), a prisoner must exhaust his administrative remedies before filing a

42 U.S.C. § 1983 suit. Wendell v. Asher, 162 F.3d 887, 890-91 (5th Cir. 1998).

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Scott did not exhaust his claim through Step 2 of the Texas Department of Criminal Justice's grievance system prior to filing his civil rights complaint. Scott's civil rights complaint was filed prematurely, and the district court committed no error in dismissing his suit without prejudice for failure to exhaust administrative remedies. See Wendell, 162 F.3d at 891-92; see Underwood v. Wilson, 151 F.3d 292, 296 (5th Cir. 1998).

AFFIRMED.