

June 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-41658
Conference Calendar

ANTONIO AGUILAR,

Plaintiff-Appellant,

versus

J. MOYA; C. DICKERSON; JANE DOE,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-00-CV-406

Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Antonio Aguilar, Texas prisoner # 506300, appeals the dismissal of his 42 U.S.C. § 1983 action for failure to exhaust administrative remedies as required under 42 U.S.C. § 1997e(a). He argues that there were no available remedies he could seek under the prison grievance system for his failure-to-protect claim, that 42 U.S.C. § 1997e thus did not apply, and that the district court erred in dismissing the complaint for failure to exhaust.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Aguilar was required to file grievances even if he could obtain no relief under the prison grievance system. See Booth v. Churner, 532 U.S. 731, 740-41 (2001); Wright v. Hollingsworth, 260 F.3d 357, 358 (5th Cir. 2001). The district court did not err in dismissing Aguilar's complaint for failure to exhaust.

AFFIRMED.