

**March 28, 2007**

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

---

No. 06-41110  
Summary Calendar

---

REGINALD WEAVER,

Plaintiff-Appellant,

versus

LIEUTENANT VONDA; K RAFTER; CAPTAIN MICHAEL E KITCHENS;  
CAROLYN FIELD; CHANA DAVIS; ASSISTANT WARDEN WARNER G LUMPKINS,

Defendants-Appellees.

-----  
Appeal from the United States District Court  
for the Southern District of Texas  
No. 3:05-CV-506  
-----

Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:\*

Reginald Weaver, a Texas prisoner, appeals the dismissal with prejudice of his civil rights complaint pursuant to 42 U.S.C. § 1997e for failure to exhaust administrative remedies. Weaver has filed motions in this court requesting appointment of counsel, permission to supplement the record, production of documents, and

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

extraordinary relief in the form of a temporary restraining order and/or permanent injunction forbidding the defendants from tampering with his mail. The motions are denied.

Weaver's complaint was dismissed before service on the defendants. Failure to exhaust administrative remedies is an affirmative defense under the Prison Litigation Reform Act, and inmates are not required to plead specially or to demonstrate exhaustion in their complaints. Jones v. Bock, 127 S. Ct. 910, 921 (2007).

Accordingly, the judgment is VACATED, and the case is REMANDED for further proceedings.

VACATED AND REMANDED; MOTIONS DENIED.