

No. 99-41178

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IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-41178
Summary Calendar

MOSES AUGUSTUS,

Plaintiff-Appellant,

VERSUS

UNITED STATES PENITENTIARY
BEAUMONT, TEXAS,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:99-CV-521

June 27, 2000

Before DAVIS, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Moses Augustus, federal prisoner # 39301-066, argues that the district court erred in dismissing his civil rights complaint based on his failure to exhaust his prison administrative remedies before seeking relief in federal court. Augustus argues that he was not required to exhaust his administrative remedies because he was very ill and he required immediate action by the district court.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Because Augustus sought injunctive relief and damages, he was required to exhaust administrative remedies before seeking relief in federal court. See Wright v. Hollingsworth, 201 F.3d 663, 665 (5th Cir. 2000); Whitley v. Hunt, 158 F.3d 882, 886-87 (5th Cir. 1998).

Augustus filed his civil rights complaint in the district court within two weeks of the alleged date that he was denied medical treatment. Although Augustus alleged that prison officials would not entertain his grievances, the record reflects that he failed to provide the administrators with an adequate opportunity to do so.

The district court did not err in dismissing Augustus' complaint for failure to exhaust his administrative remedies. See Underwood v. Wilson, 151 F.3d 292, 295-96 (5th Cir. 1998), cert. denied, 119 S. Ct. 1809 (1999); 28 U.S.C. § 1997e(a).

AFFIRMED.