

United States Court of Appeals
For the Eighth Circuit

No. 12-2068

Mark E. Hammett

Plaintiff - Appellant

v.

George Lombardi; Mike Kemna; Dave Dormire; Bill Galloway; Donna Cayer;
Kelly Morriss; Valerie Campbell

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Jefferson City

Submitted: January 4, 2013

Filed: February 4, 2013

[Unpublished]

Before MURPHY, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Missouri inmate Mark Hammett appeals the district court's¹ dismissal, without prejudice, of his 42 U.S.C. § 1983 action for failure to exhaust administrative remedies. Given that Hammett submitted with his complaint a prison official's June 2010 Appeal Response denying Hammett's administrative appeal because he did not timely commence the grievance process, we conclude that dismissal was warranted. *See* 42 U.S.C. § 1997e(a) (exhaustion of administrative remedies must precede prisoner's filing of suit); *Woodford v. Ngo*, 548 U.S. 81, 90-91 (2006) (proper exhaustion demands compliance with agency's deadlines and other critical rules). Accordingly, we affirm. *See* 8th Cir. R. 47B.

¹The Honorable Fernando J. Gaitan, Jr., Chief Judge, United States District Court for the Western District of Missouri.