

United States Court of Appeals
For the Eighth Circuit

No. 16-1269

Jacoby Garrett

Plaintiff - Appellant

v.

John Doe (B); John Doe (C); John Doe (D); John Doe (E); John Doe (F); John
Doe (G); John Doe (H); John Doe (I); John Doe (J); John Doe (K); John Doe (L);
John Doe (M); John Doe (N)

Defendants - Appellees

Appeal from United States District Court
for the Northern District of Iowa - Dubuque

Submitted: March 2, 2017
Filed: March 9, 2017
[Unpublished]

Before WOLLMAN, MURPHY, and GRUENDER, Circuit Judges.

PER CURIAM.

In this 42 U.S.C. § 1983 action, Jacoby Garrett appeals the district court's¹ adverse grant of summary judgment based on its finding that he had failed to exhaust administrative remedies, as required under the Prison Litigation Reform Act (PLRA). After careful review of the record and the parties' arguments on appeal, we conclude that no genuine issue of material fact remained as to whether he failed to exhaust available administrative remedies. *See* 42 U.S.C. § 1997e(a) (requiring prisoners to exhaust available administrative remedies prior to bringing a federal prison-conditions claim under § 1983); *King v. Iowa Dep't of Corr.*, 598 F.3d 1051, 1052 (8th Cir. 2010) (*de novo* standard of review). Garrett effectively conceded the availability of an administrative remedy in stating that he had filed numerous grievance forms, and he did nothing to counter defendants' evidence that he failed to exhaust these remedies aside from the mere claim that he had done so in his unsworn complaint. Accordingly, we affirm. *See* 8th Cir. R. 47B.

¹The Honorable Edward J. McManus, United States District Judge for the Northern District of Iowa.