

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 11 2020

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JEFFREY AARON MOORE,

No. 19-15569

Plaintiff-Appellant,

D.C. No. 3:16-cv-08244-DLR-JZB

v.

MEMORANDUM\*

COCKS, LT - Administration at MCADF; et  
al.,

Defendants-Appellees,

and

JIM McCABE, DON BISCHOFF; et al.,

Defendants.

Appeal from the United States District Court  
for the District of Arizona  
Douglas L. Rayes, District Judge, Presiding

Submitted March 3, 2020\*\*

Before: MURGUIA, CHRISTEN, and BADE, Circuit Judges.

Former Arizona state pretrial detainee Jeffrey Aaron Moore appeals pro se

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

from the district court's summary judgment for failure to exhaust administrative remedies in his 42 U.S.C. § 1983 action alleging excessive force, sexual assault, and deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Albino v. Baca*, 747 F.3d 1162, 1168 (9th Cir. 2014) (en banc). We affirm.

The district court properly granted summary judgment because Moore failed to exhaust administrative remedies as required under the Prison Litigation Reform Act ("PLRA") and failed to raise a genuine dispute of material fact as to whether administrative remedies were effectively unavailable to him. *See Woodford v. Ngo*, 548 U.S. 81, 90 (2006) (the PLRA requires "proper exhaustion," which means "using all steps the agency holds out, and doing so *properly*" (citation and internal quotation marks omitted)); *see also Ross v. Blake*, 136 S. Ct. 1850, 1860 (2016) (describing the limited circumstances under which administrative remedies may be effectively unavailable).

**AFFIRMED.**