

United States Court of Appeals
For the Eighth Circuit

No. 22-2273

Anthony Hayes

Plaintiff - Appellant

v.

Randy Watson, Warden, Arkansas Department of Correction; Claudia Harris,
Deputy Warden, Arkansas Department of Correction; Mitchell Johnson, Jr.,
Captain, Arkansas Department of Correction; Raymond Naylor, Disciplinary
Hearing Administrator, Arkansas Department of Correction; Michael M. Lowe,
Major, Arkansas Department of Correction; Iena Jackson, Classification Officer,
Arkansas Department of Correction

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Central

Submitted: January 17, 2023

Filed: January 20, 2023

[Unpublished]

Before LOKEN, BENTON, and ERICKSON, Circuit Judges.

PER CURIAM.

Anthony Hayes, an inmate in the Arkansas Department of Correction (ADC), appeals following the district court's¹ adverse grant of summary judgment in his pro se 42 U.S.C. § 1983 action. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

This court concludes that the district court properly granted summary judgment. *See* 42 U.S.C. § 1997e(a); *Peterson v. Kopp*, 754 F.3d 594, 598 (8th Cir. 2014) (grant of summary judgment is reviewed de novo, viewing the record in a light most favorable to the non-moving party). Hayes failed to comply with the ADC's grievance procedure by filing an untimely initial grievance. *See Woodford v. Ngo*, 548 U.S. 81, 88, 93 (2006) (prisoner must exhaust administrative remedies in accordance with prison's applicable procedural rules, including deadlines). He also did not show that his administrative remedies were unavailable. *See Ross v. Blake*, 578 U.S. 632, 643-44 (2016). To the extent Hayes raises additional arguments on appeal, they present no basis for reversal.

The judgment is affirmed. *See* 8th Cir. R. 47B.

¹The Honorable Billy Roy Wilson, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Patricia S. Harris, United States Magistrate Judge for the Eastern District of Arkansas.