



1 defendants”) move for summary judgment on this remaining claim. The LVMPD Defendants  
2 argue there was no policy requiring a detainee to hand his grievance to the officer about whom he  
3 was complaining. The LVMPD Defendants also argue there is no evidence any of them retaliated  
4 against Putzer for filing grievances. Finally, they argue there is no evidence Sheriff Gillespie was  
5 aware of any of Putzer’s grievances or that he ratified any officer’s unconstitutional behavior.  
6 Putzer did not respond to this motion.

7 Summary judgment is appropriate if the pleadings, depositions, answers to interrogatories  
8 and admissions, and affidavits demonstrate “there is no genuine dispute as to any material fact  
9 and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a), (c). A fact is  
10 material if it “might affect the outcome of the suit under the governing law.” *Anderson v. Liberty*  
11 *Lobby, Inc.*, 477 U.S. 242, 248 (1986). An issue is genuine if “the evidence is such that a  
12 reasonable jury could return a verdict for the nonmoving party.” *Id.*

13 The party seeking summary judgment bears the initial burden of informing the court of the  
14 basis for its motion, and identifying those portions of the record that demonstrate the absence of a  
15 genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). The burden  
16 then shifts to the non-moving party to go beyond the pleadings and set forth specific facts  
17 demonstrating there is a genuine issue of material fact for trial. *Fairbank v. Wunderman Cato*  
18 *Johnson*, 212 F.3d 528, 531 (9th Cir. 2000). The Court views all evidence and inferences which  
19 may be drawn therefrom in the light most favorable to the non-moving party. *James River Ins.*  
20 *Co. v. Hebert Schenk, P.C.*, 523 F.3d 915, 920 (9th Cir. 2008).

21 Prisoners have rights of access to the courts and to petition the government for redress of  
22 their grievances. *Silva v. Di Vittorio*, 658 F.3d 1090, 1101-02 (9th Cir. 2011). This includes the  
23 right to file prison grievances. *Brodheim v. Cry*, 584 F.3d 1262, 1269 (9th Cir. 2009). Prison  
24 officials may not “erect[] barriers” impeding prisoners’ right of access. *Silva*, 658 F.3d at 1102.

25 The LVMPD Defendants have presented evidence that Putzer did not have to hand his  
26 grievance to the officer about whom he was complaining. (Dkt. #86 at 5-6, 22-24, 33.) They also  
27 present evidence that they did not retaliate against Putzer for filing grievances. (Dkt. #86 at 6-7,  
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1 24, 34-35, 42.) Finally, they point to an absence of evidence that Gillespie was aware of any of  
2 Putzer's grievances. Putzer did not respond to the summary judgment motion. He therefore has  
3 not identified any evidence raising an issue of fact that he had to submit his grievances to the  
4 officers about whom he was complaining, that any of the LVMPD Defendants retaliated against  
5 him for filing grievances, or that Gillespie knew of or ratified a subordinate's unconstitutional  
6 behavior in relation to the grievance policy. I therefore grant the LVMPD Defendants' motion  
7 for summary judgment on Putzer's remaining claim.

8 IT IS THEREFORE ORDERED that the LVMPD Defendants' motion for summary  
9 judgment (Dkt. #85) is GRANTED.

10 IT IS FURTHER ORDERED that the clerk of court shall enter judgment in favor of all  
11 defendants and against plaintiff David Saul Putzer.

12 DATED this 20th day of April, 2015.

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16 ANDREW P. GORDON  
17 UNITED STATES DISTRICT JUDGE  
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