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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

VICTOR TAGLE,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:15-cv-00623-APG-GWF

**ORDER GRANTING DEFENDANT  
GROOVER'S MOTION FOR  
SUMMARY JUDGMENT**

(ECF No. 201)

11 Defendant Kyle Groover moves for summary judgment because plaintiff Victor Tagle has  
12 not exhausted his administrative remedies before filing this lawsuit. ECF No. 201. Tagle filed  
13 three oppositions to that motion, but never addressed the issue of exhaustion. ECF Nos. 203, 206,  
14 207. Because Tagle failed to exhaust his remedies, I grant the motion.

15 Before bringing a lawsuit under 28 U.S.C. § 1983, an inmate must properly exhaust all of  
16 the administrative steps outlined by the prison. *Woodford v. Ngo*, 548 U.S. 81, 90 (2006); 42  
17 U.S.C. § 1997e(a). Exhaustion is not excused by claims of futility. *Booth v. Churner*, 532 U.S.  
18 731, 741 n.6 (2001) (“[W]e will not read futility or other exceptions into statutory exhaustion  
19 requirements where Congress has provided otherwise.”).

20 The Nevada Department of Corrections established a grievance process for inmates who  
21 wish to complain about their treatment. Specifically, Administrative Regulation 740 sets forth the  
22 procedures inmates are to follow. Tagle did not exhaust those administrative remedies before  
23 filing this lawsuit. ECF No. 201-2. Tagle’s Grievance History demonstrates that he is well  
24 familiar with the process he must follow, yet he did not do so with regard to the complaints  
25 alleged in this lawsuit. *Id.* Thus, he cannot maintain this lawsuit.

26 Tagle suggests he needs additional time to conduct discovery, in hopes of finding  
27 evidence to support his claims. ECF No. 206 at 4. Yet none of the evidence he believes he will  
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uncover (regarding mail tampering, physical abuse, destruction of evidence, and conspiracy) addresses the fact that Tagle failed to exhaust his administrative remedies. Therefore, additional discovery would not change the outcome of the motion for summary judgment.

IT IS THEREFORE ORDERED that defendant Kyle Groover's motion for summary judgment (**ECF No. 201**) is **GRANTED**. The clerk of the court is directed to enter judgment in favor of Groover on all of Tagle's claims against him.

DATED this 23rd day of October, 2017.



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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE