

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 7 2020

FOR THE NINTH CIRCUIT

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

MILORAD TEODOR OLIC, AKA Milorad
Olic,

Plaintiff-Appellant,

v.

R. CHACON; M. RAINEY,

Defendants-Appellees,

and

D. CHURCH,

Defendant.

No. 19-15451

D.C. No. 2:16-cv-02128-KJM-EFB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted February 4, 2020**

Before: FERNANDEZ, SILVERMAN, and TALLMAN, Circuit Judges.

California state prisoner Milorad Teodor Olic appeals pro se from the district

* 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).

court’s summary judgment for failure to exhaust administrative remedies in his 42 U.S.C. § 1983 action alleging excessive force. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Williams v. Paramo*, 775 F.3d 1182, 1191 (9th Cir. 2015). We affirm.

The district court properly granted summary judgment because Olic failed to exhaust his administrative remedies and failed to raise a genuine dispute of material fact as to whether administrative remedies were effectively unavailable. *See Woodford v. Ngo*, 548 U.S. 81, 90 (2006) (proper exhaustion requires “using all steps that the agency holds out, and doing so *properly* (so that the agency addresses the issues on the merits)” (citation and internal quotation marks omitted)); *see also* Cal. Code Regs. tit. 15, § 3084.3(a) (“An inmate or parolee shall obtain and attach all supporting documents . . . prior to submitting the appeal to the appeals coordinator.”); *McSherry v. City of Long Beach*, 584 F.3d 1129, 1138 (9th Cir. 2009) (“Summary judgment requires facts, not simply unsupported denials or rank speculation.”).

AFFIRMED.