

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

DEYMON EDWARDS,

Plaintiff - Appellant,

v.

S. BROWN, Lt.; C. BORDEN,
Captain; JOHN DOE, Sgt.; DOES,
Correctional Officers,

Defendants - Appellees.

No. 25-6849

D.C. No.
6:25-cv-00075-
MTK

OPINION

Appeal from the United States District Court
for the District of Oregon
Mustafa T. Kasubhai, District Judge, Presiding

Argued and Submitted July 9, 2026
San Francisco, California

Filed September 28, 2026

Before: Richard A. Paez, Richard C. Tallman, and Mark J.
Bennett, Circuit Judges.

Opinion by Judge Bennett

SUMMARY*

Prisoner Civil Rights / Statute of Limitations

The panel reversed the district court's dismissal of Oregon state prisoner Deymon Edwards's 42 U.S.C. § 1983 claims as time barred, and remanded for further proceedings.

On January 10, 2025, Edwards filed suit under § 1983 against correctional officers he alleged were responsible for denial of a decontamination shower after Edwards's skin and lungs were exposed to pepper spray. The district court found that Edwards's claims accrued on October 1, 2022, when Edwards was exposed to the pepper spray. The district court concluded that Edwards filed his complaint beyond Oregon's two-year statute of limitations, and dismissed Edwards's claims as time barred.

Addressing a threshold issue, the panel held that that principles of waiver, party presentation, and comity did not prevent the court from determining the application of Oregon tolling law to this case.

Edwards argued that an Oregon statute, Oregon Revised Statutes § 12.210, tolls the statute of limitations from the date an inmate's cause of action accrues until the time he exhausts his administrative remedies. The panel agreed with Edwards that Oregon tolling rules afford him relief. Oregon Revised Statutes § 12.210 authorizes tolling the statute of limitations when another statute prevents a plaintiff from

* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

filing suit. Because Edwards is incarcerated, a federal statute, 42 U.S.C. § 1997e(a), prohibited him from commencing this federal lawsuit until he had exhausted available administrative remedies. Taking these two statutes together, the panel held that the time an inmate spends completing the prison grievance process does not, under Oregon law, count toward the statute of limitations on a federal § 1983 claim. And the panel construed the Oregon tolling statute to begin the tolling period no later than when an inmate initiates the grievance process. Applying this statute, the panel concluded that Edwards timely filed his complaint within the applicable statute of limitations. For purposes of this appeal, Edwards presented his first grievance to the Oregon State Penitentiary on October 3, 2022. Tolling thus began under § 12.210 no later than October 3, 2022. The tolling period continued until January 13, 2023, when Edwards finished properly exhausting his administrative remedies. Accordingly, with tolling, Edwards timely filed his complaint on January 10, 2025, under the applicable statute of limitations.

COUNSEL

Warrington E. Sebree (argued) and Devi M. Rao, Roderick & Solange MacArthur Justice Center, Washington, D.C., for Plaintiff-Appellant.

Kirsten M. Naito (argued), Assistant Attorney General; Paul L. Smith, Solicitor General; Dan Rayfield, Oregon Attorney General; Office of the Oregon Attorney General, Salem, Oregon; for Defendants-Appellees.

OPINION

BENNETT, Circuit Judge:

Deymon Edwards appeals the dismissal of his 42 U.S.C. § 1983 claims as time barred. In § 1983 actions, we apply the state statute of limitations for personal injury claims in the relevant jurisdiction, and we also borrow state tolling rules. An Oregon tolling statute, Oregon Revised Statutes § 12.210, authorizes tolling the statute of limitations when another statute prevents a plaintiff from filing suit. Because Edwards is incarcerated, a federal statute, 42 U.S.C. § 1997e(a), prohibited him from commencing this federal lawsuit until he had exhausted available administrative remedies.

Taking these two statutes together, the time an inmate spends completing the prison grievance process does not, under Oregon law, count toward the statute of limitations on a federal § 1983 claim. And we construe the Oregon tolling statute to begin the tolling period no later than when an inmate initiates the grievance process. Applying this statute, we conclude that Edwards timely filed his complaint within the applicable statute of limitations. Thus, we reverse and remand for further proceedings consistent with this opinion.

I

A

Deymon Edwards is incarcerated at Oregon State Penitentiary. On October 1, 2022, correctional officers responded to an altercation in the cell next to his and deployed pepper spray. Because the cells are open air, Edwards's skin and lungs were exposed to the spray. Edwards asked the correctional officers for a

decontamination shower, but they denied his request for about two days.

On October 3, 2022, Edwards signed and dated a prison grievance form. He alleged that correctional officers responded to a fight and deployed pepper spray “right next to [his] cell,” exposing Edwards to the chemical. He explained that he “was sprayed[] a good amount . . . on [his] face, arms, neck, and clothes; as well as [his] blankets, pillows, sheets, etc.” Edwards described the “pain” and “burning” he experienced in his “face, lungs, eyes, arms, and neck,” as well as “retching and coughing when [he] tried to breath[e].” He “pleaded with the [correctional officers] to allow [him] to decontaminate,” but they did not permit him to shower.

The grievance office stamped Edwards’s grievance as “received” on October 11, 2022, and “denied” it that same day. An accompanying letter explained that his grievance did not comply with the Department of Corrections (“DOC”) rules because Edwards’s “narrative d[id] not indicate [he] received direct exposure to [oleoresin capsicum] chemical agents,” and “[n]on-direct exposure does not require [that] a shower or clean clothing be provided.”

Edwards responded by filling out a second grievance form on October 13, 2022. He alleged that the correctional officers “deployed [pepper spray] . . . in a wide arc going back and forth, and at one point some of the spray projected directly into [his] face, eyes, arms, neck, and clothes.” Edwards again explained that “[t]he pain started . . . burning [his] face, lungs, eyes, arms, and neck.” And he “began retching and coughing when [he] tried to breath[e].”

The grievance office stamped his second form as “received” on October 18, 2022, and “returned for

correction” the same day. An accompanying letter from the grievance office asked Edwards to clarify whether he suffered “direct or secondhand exposure.” It also noted that this “second grievance outlin[ed] the same incident [for] which [Edwards] filed a prior grievance . . . regarding use of [oleoresin capsicum] spray on [his] unit.”

Edwards resubmitted his grievance, and this time the grievance office stamped it as “accepted” on November 2, 2022. Shelby Brown, a Correctional Lieutenant, responded to the grievance by explaining that all the inmates who “received direct exposure to the [oleoresin capsicum] [s]pray . . . were subsequently removed from the unit and afforded appropriate decontamination procedures.” Edwards appealed, asserting that he “disagree[d] with [Lieutenant] Brown” because he “received direct exposure to the [oleoresin capsicum] spray,” but “was not afforded any type of decontamination.”

The Oregon State Penitentiary superintendent responded to the appeal. He concluded that Edwards had been only “indirectly” exposed to the chemicals and that the “[s]taff followed the decontamination process appropriately” and in accordance with the prison rules. Edwards then submitted a final grievance appeal, reiterating that the correctional officers “sprayed directly into [his] face, eyes, arms, and neck.” The grievance process concluded on January 13, 2023, when the Westside Institutions Administrator notified Edwards that he “ha[d] not provided any additional information in this appeal that would warrant a response other than that which [he] ha[d] already received.”

B

On January 10, 2025, Edwards filed suit under 42 U.S.C. § 1983 against the correctional officers he alleges are responsible for the denial of his decontamination shower.¹ Edwards claims violations of his rights under the First, Eighth, and Fourteenth Amendments.

Defendants moved to dismiss Edwards’s complaint, contending that his claims are barred by the two-year statute of limitations. The district court agreed. In its view, Edwards’s claims accrued on October 1, 2022, when Edwards was exposed to the pepper spray. By the district court’s count, the statute of limitations ran from October 1 to October 18—when the prison received Edwards’s second grievance. Relying on a federal equitable tolling rule, the district court determined that the statute of limitations was tolled from October 18, 2022, until January 13, 2023, while Edwards completed the prison grievance process. From there, it determined that the two-year statute of limitations ran again from January 13, 2023, until January 10, 2025, when Edwards filed his complaint.

The district court declined to start the toll period from when Edwards submitted his first grievance, reasoning that he “did not exhaust [that] grievance.” The district court also declined to toll the period between when Edwards submitted his second grievance (October 13) and when the grievance office stamped it as received (October 18). The district court

¹ While the district court docketed Edwards’s complaint on January 15, 2025, the parties agree his complaint is deemed filed on January 10 under the prison mailbox rule. See *Douglas v. Noelle*, 567 F.3d 1103, 1107 (9th Cir. 2009) (“We now join our sister circuits and hold that the *Houston* [v. *Lack*, 487 U.S. 266 (1988),] mailbox rule applies to § 1983 suits filed by *pro se* prisoners.”).

explained that “the Ninth Circuit has declined to apply the mailbox rule to administrative deadlines when inconsistent with applicable prison regulations,” so “the statute of limitations did not begin to toll until October 18, 2022, when [Edwards]’s grievance was received by the grievance office.”

In the end, counting only eighty-seven days of tolling, the district court concluded that Edwards filed his complaint beyond the two-year limitations period. It thus dismissed Edwards’s claims as time barred.

Edwards now appeals. While he proceeded pro se in the district court, Edwards has counsel on appeal.

II

We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court’s “dismissal of a complaint on the basis of a statute of limitations.” *Lyons v. Michael & Assocs.*, 824 F.3d 1169, 1171 (9th Cir. 2016). Undertaking this review, we accept “all factual allegations in the complaint as true and draw all reasonable inferences in favor of the nonmoving party.” *Hoang v. Bank of Am., N.A.*, 910 F.3d 1096, 1100 (9th Cir. 2018).

“Federal courts in § 1983 actions apply the state statute of limitations from personal-injury claims and borrow the state’s tolling rules.” *Soto v. Sweetman*, 882 F.3d 865, 871 (9th Cir. 2018); *see* 42 U.S.C. § 1988(a). As relevant here, Oregon’s two-year statute of limitations for personal injury actions, Or. Rev. Stat. § 12.110(1), applies to federal § 1983 claims. *See Sain v. City of Bend*, 309 F.3d 1134, 1139 (9th Cir. 2002). As for tolling, we adhere to Oregon’s rules “unless their full application” would “defeat either § 1983’s chief goals of compensation and deterrence or its subsidiary

goals of uniformity and federalism.” *Hardin v. Straub*, 490 U.S. 536, 539 (1989) (footnote omitted) (citing *Bd. of Regents of Univ. of State of N.Y. v. Tomanio*, 446 U.S. 478, 488–92 (1980)). If tolling under Oregon law renders a complaint timely (and does not defeat the goals of § 1983), our inquiry ends. *See id.* at 543–44 (explaining that a State may, consistent with § 1983, “extend[] the time in which prisoners may seek recovery for constitutional injuries”); *accord Battle v. Ledford*, 912 F.3d 708, 713 (4th Cir. 2019); *Pearson v. Sec’y Dep’t of Corr.*, 775 F.3d 598, 603–04 (3d Cir. 2015); *Johnson v. Rivera*, 272 F.3d 519, 520 n.1 (7th Cir. 2001). If not, we consider whether a federal equitable tolling rule applies. *See Wallace v. Kato*, 549 U.S. 384, 394–96 (2007).

The parties agree that Edwards’s cause of action accrued on October 1, 2022, when he was exposed to the pepper spray. Without tolling, his complaint would have been due on October 1, 2024. *See Or. Rev. Stat.* §§ 12.110(1), 174.120(5). Thus, because Edwards did not file his complaint until January 10, 2025, his claims survive only if tolling applies.

Edwards makes two arguments in favor of tolling. *First*, he contends that an Oregon statute, Oregon Revised Statutes § 12.210, tolls the statute of limitations from the date an inmate’s cause of action accrues until the time he exhausts his administrative remedies. *Second*, he relies on a federal equitable tolling rule recognized by our court in *Brown v. Valoff*, 422 F.3d 926, 942–43 (9th Cir. 2005), and *Soto*, 882 F.3d at 872–75. Because we agree that Oregon tolling rules afford Edwards relief, we do not reach the issue of equitable tolling under federal law.

III

Oregon law provides that “[w]hen the commencement of an action is stayed by injunction or a statutory prohibition, the time of the continuance of the injunction or prohibition shall not be a part of the time limited for the commencement of the action.” Or. Rev. Stat. § 12.210. One relevant statutory prohibition is found in the Prison Litigation Reform Act (“PLRA”), which requires inmates to exhaust their administrative remedies before filing a § 1983 suit. *See* 42 U.S.C. § 1997e(a) (“No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner . . . until such administrative remedies as are available are exhausted.”). The PLRA “mandates that an inmate exhaust ‘such administrative remedies as are available’ *before* bringing suit to challenge prison conditions.” *Ross v. Blake*, 578 U.S. 632, 635 (2016) (emphasis added) (quoting § 1997e(a)).

This exhaustion requirement, Edwards contends, is a “statutory prohibition” that stayed the commencement of his § 1983 action. In his view, the PLRA prohibited him from commencing suit from the date his cause of action accrued (October 1, 2022) until the date he finished exhausting his administrative remedies (January 13, 2023). So under the Oregon statute, he reasons, this period is not “part of the time limited for the commencement of [his § 1983] action.” *See* Or. Rev. Stat. § 12.210.

A

Before evaluating Edwards’s entitlement to tolling under § 12.210, we first must address a threshold issue. Defendants urge us to forgo deciding whether Oregon law entitles Edwards to tolling. In their view, principles of

waiver, party presentation, and comity prevent us from reaching this state law question.

Before the district court, the parties did not address the application of Oregon tolling law to this case. In his opposition to Defendants' motion to dismiss, Edwards—proceeding pro se—argued that his § 1983 claim is not time barred because “there is a toll involved when a Plaintiff is going through the grievance process.” But he relied exclusively on our precedent adopting an equitable rule: that the statute of limitations is tolled while an inmate exhausts the prison administrative grievance process. The district court accordingly considered only whether federal equitable principles entitle Edwards to tolling.

In their original briefs on appeal, the parties again discussed tolling under only our own federal rule. But before oral argument, we ordered supplemental briefing on whether Edwards is entitled to tolling under Oregon Revised Statutes § 12.210 because the PLRA is a statutory prohibition that stayed the commencement of his § 1983 action.

In this posture, we disagree that Edwards has waived or forfeited any right to relief under Oregon tolling law. “When an issue or claim is properly before the court, the court is not limited to the particular legal theories advanced by the parties, but rather retains the independent power to identify and apply the proper construction of governing law.” *Kamen v. Kemper Fin. Servs., Inc.*, 500 U.S. 90, 99 (1991). Proceeding pro se in the district court, Edwards argued that his § 1983 claim is not time barred because “there is a toll involved when a Plaintiff is going through the grievance process.” Aided by counsel on appeal, Edwards continues

to press that he is entitled to tolling for the period he was exhausting his administrative remedies.

With the tolling issue properly before us, we retain the power to “identify and apply the proper construction of governing law.” *Id.* And Oregon law governs tolling here. We are required to follow Oregon’s tolling rules “unless their full application would defeat the goals of [§ 1983].” *See Hardin*, 490 U.S. at 539. Thus, the question of Oregon law is “‘antecedent to . . . and ultimately dispositive of’ the dispute before [us],” even though “the parties fail[ed] to identify and brief” the effect of the relevant statute. *See U.S. Nat’l Bank of Or. v. Indep. Ins. Agents of Am., Inc.*, 508 U.S. 439, 447 (1993) (quoting *Arcadia v. Ohio Power Co.*, 498 U.S. 73, 77 (1990)).

As to party presentation, we have similarly declined to apply that doctrine when the court has “merely ‘identif[ied] and appl[ied] the proper construction of governing law.’” *Does v. Wasden*, 982 F.3d 784, 793 (9th Cir. 2020) (alterations in original) (quoting *Kamen*, 500 U.S. at 99); *see also All. for the Wild Rockies v. Higgins*, 183 F.4th 671, 680 n.5 (9th Cir. 2026) (“It is not determinative, as a matter of party presentation, that [the appellant] neglected relevant legal authority directly bearing on th[e] issue; we must apply the correct law to decide the issue raised on appeal.”). “[A] court,” we have explained, “is not hidebound by the precise arguments of counsel.” *Machowski v. 333 N. Placentia Prop., LLC*, 38 F.4th 837, 843 (9th Cir. 2022) (quoting *United States v. Sineneng-Smith*, 590 U.S. 371, 380 (2020)). So a decision does not violate the party presentation principle simply because its “analysis [does] not perfectly track the arguments [the appellants] present[] in [their] briefing.” *Id.*

Finally, Defendants invoke principles of comity. They press that we should not resolve whether Edwards is entitled to tolling under Oregon law because Oregon courts should be the ones to interpret the state tolling statute at issue. But Defendants' contention fails because we are *required* to apply Oregon tolling rules unless doing so “defeat[s] either § 1983’s chief goals of compensation and deterrence or its subsidiary goals of uniformity and federalism.” *See Hardin*, 490 U.S. at 539 (footnote omitted). Moreover, neither party has asked us to certify this question to the Oregon Supreme Court, and we see no need to do so.

In sum, we conclude that principles of waiver, party presentation, and comity do not prevent us from determining the application of Oregon tolling law to this case.

B

Oregon law provides that “[w]hen the commencement of an action is stayed by injunction or a statutory prohibition, the time of the continuance of the injunction or prohibition shall not be a part of the time limited for the commencement of the action.” Or. Rev. Stat. § 12.210. We construe § 12.210 using Oregon’s “methodology for interpreting a statute,” under which “examination of text and context” are “given primary weight.”² *State v. Gaines*, 206 P.3d 1042, 1050 (Or. 2009) (en banc).

² After examining text and context in the first step, Oregon law requires the court to “consult [proffered legislative history in the second step] . . . even if the court does not perceive an ambiguity in the statute’s text, where that legislative history appears useful to the court’s analysis.” *Gaines*, 206 P.3d at 1050 (footnote omitted). In the third and final step, “[i]f the legislature’s intent remains unclear after examining text, context, and legislative history, the court may resort to general maxims of statutory construction to aid in resolving the remaining uncertainty.”

Examining the text of § 12.210, we conclude that Oregon law plainly and unambiguously authorizes tolling the statute of limitations when another statute—state or federal—prevents a plaintiff from bringing suit.

The PLRA commands that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” 42 U.S.C. § 1997e(a). In other words, the PLRA functions as a “statutory prohibition” that stays “the commencement of an action,” during the time an inmate exhausts his available administrative remedies. Or. Rev. Stat. § 12.210. We therefore hold that under Oregon’s tolling statute, the time an inmate spends exhausting available administrative remedies does not run against the statute of limitations on their federal § 1983 claim. *See Pearson*, 775 F.3d at 602–03 (applying a Pennsylvania tolling statute with similar language); *Johnson*, 272 F.3d at 521 (applying an Illinois tolling statute with similar language).

Applied here, we conclude that the statute of limitations for Edwards’s § 1983 lawsuit was tolled until he had properly exhausted available administrative remedies as required by the PLRA. The parties further dispute, however, exactly *how long* § 12.210 tolled the two-year statute of limitations. Edwards contends that he is entitled to tolling from the date his cause of action accrued (October 1, 2022)

Id. at 1051. We do not analyze the legislative history of § 12.210 here because the parties did not provide this information in their briefing. *See* Or. Rev. Stat. § 174.020(3) (“A court may limit its consideration of legislative history to the information that the parties provide to the court.”).

until the date he finished exhausting available administrative remedies (January 13, 2023). Defendants counter that tolling begins only once an inmate *initiates* the grievance process, not when the cause of action accrues. But we need not—and do not—resolve today whether § 12.210 tolls the statute of limitations beginning on the date an inmate starts exhausting their administrative remedies or on the date an inmate’s § 1983 claim accrues. On the record before us, Edwards timely filed his complaint under either standard.

We thus assume without deciding that the tolling period starts on the date Edwards initiated the grievance process. And we leave for another day whether Oregon law, as applied to a § 1983 claim subject to the PLRA’s exhaustion requirement, also tolls the statute of limitations for the time between an inmate’s injury and his filing of an administrative grievance.

C

Under Oregon law, tolling commenced no later than when Edwards initiated the grievance process. *See* Or. Rev. Stat. § 12.210. Edwards signed and dated his first grievance form on October 3, 2022. It is unclear from the record what steps Edwards took to submit this grievance and why the grievance office did not stamp it as “received” until October 11, eight days later. But Defendants do not contend that Edwards actually tendered his grievance to the prison or a prison official *after* October 3, nor have they provided an explanation for the delay in receipt. “[D]raw[ing] all reasonable inferences in favor of” Edwards as the nonmoving party, *see Hoang*, 910 F.3d at 1100, we conclude for purposes of this appeal that he presented his first grievance to the Oregon State Penitentiary on October 3, 2022.

Tolling thus began, under § 12.210, no later than October 3, 2022. The tolling period continued until January 13, 2023, when Edwards finished properly exhausting his administrative remedies. So these 102 days between October 3, 2022, and January 13, 2023, did not run against the statute of limitations on his federal § 1983 claim.

The parties agree that Edwards's cause of action accrued on October 1, 2022. Without any tolling, Edwards's complaint would have been due by October 1, 2024. *See Sain*, 309 F.3d at 1139; Or. Rev. Stat. §§ 12.110(1), 174.120(5). Tolted 102 days, the statute of limitations would have expired on Saturday, January 11, 2025. Pursuant to Federal Rule of Civil Procedure 6(a)(1)(C), however, a period of time ending on a weekend is extended to the following Monday, in this case, January 13, 2025. *See* Fed. R. Civ. P. 6(a)(1)(C) (providing that “if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday”); *see also Sain*, 309 F.3d at 1138 (holding that Rule 6(a) governs the computation of time for tolling purposes when the statute of limitations for a section 1983 claim is borrowed from state law).

Edwards filed his complaint on Friday, January 10, 2025. Thus, applying the Oregon tolling statute, we conclude that Edwards's claims are not barred by the statute of limitations.

D

Defendants urge an altogether different analysis. They press that Edwards did not initiate the grievance process until October 18, 2022, when the prison received his second grievance form. Embedded in Defendants' position are two arguments: first, that Edwards's original grievance should be

excluded from the tolling period altogether; and second, that Edwards did not initiate the grievance process when he *submitted* his grievance but instead when the prison's grievance office stamped it as *received*. We disagree on both counts.

We begin with the contention that Edwards's first grievance should be excluded from the tolling period. Again, drawing all reasonable inferences in his favor, Edwards submitted this grievance on October 3, 2022, and the prison "denied" it on October 11, 2022, for non-compliance with DOC rules. Because Edwards "did not appeal the denial of that grievance," Defendants assert that he "did not exhaust the administrative remedies such as to toll the statute of limitations" for that grievance. But as Edwards points out, the DOC rules provide that "[a] denied grievance or grievance appeal *cannot be appealed*." Or. Admin. R. 291-109-0225(5) (emphasis added).

"[T]he PLRA exhaustion requirement requires proper exhaustion." *Woodford v. Ngo*, 548 U.S. 81, 93 (2006). "[T]o properly exhaust administrative remedies," the Supreme Court has explained, "prisoners must 'complete the administrative review process in accordance with the applicable procedural rules'—rules that are defined not by the PLRA, but by the prison grievance process itself." *Jones v. Bock*, 549 U.S. 199, 218 (2007) (citation omitted) (quoting *Woodford*, 548 U.S. at 88). And "[t]he obligation to exhaust 'available' remedies persists as long as *some* remedy remains 'available.'" *Brown*, 422 F.3d at 935.

Without an option under the prison rules to appeal his denied grievance, Edwards reasonably believed that he needed to file another grievance in order to exhaust available remedies. Indeed, Defendants have not suggested that

Edwards strayed from any DOC rules in filing a second grievance. When Edwards did so, the prison officials properly recognized that this “second grievance outlin[ed] the same incident [for] which [Edwards] filed a prior grievance.” The prison later “accepted” Edwards’s second grievance, and this grievance proceeded to later steps in the process until Edwards ultimately exhausted his administrative remedies as required by the PLRA.

The DOC rules and the prison’s treatment of Edwards’s grievances confirm that both grievances should be viewed as part of the same exhaustion process. So we conclude that his first grievance is included in the tolling calculation.

Defendants also contend that the tolling period begins on the date the prison’s grievance office stamped Edwards’s first grievance as received (October 11)—and not the date that Edwards submitted it (October 3). That is so, Defendants urge, because prison administrative rules provide the metric by which to measure when a plaintiff has initiated the administrative review process. And under DOC rules, they continue, a grievance is filed when it is “*received* by the institution grievance coordinator.” Or. Admin. R. 291-109-0205(1) (emphasis added).

For this argument, Defendants rely on *Nigro v. Sullivan*, 40 F.3d 990 (9th Cir. 1994). There, we addressed whether an inmate timely filed his grievance appeal under the federal Bureau of Prisons’ internal administrative exhaustion process, and if not, whether his late filing “amounted to procedural default . . . warranting dismissal” of his habeas petition. *See id.* at 992–97. The question here is not whether Edwards timely filed his grievances or correctly followed the prison procedures as to properly exhaust his administrative remedies, but whether the statute of limitations for his

§ 1983 claim is tolled. Indeed, Defendants did not raise failure to exhaust as an affirmative defense in the district court. Nor do they press this on appeal as an alternative ground to affirm the dismissal of Edwards's complaint. So compliance with the DOC rules and deadlines is not at issue.

Viewing the facts, as we must, in the light most favorable to Edwards, he presented his first grievance to the prison or prison officials on October 3, 2022. We thus determine that he is entitled to tolling beginning on that date. Tolling the applicable limitations period from October 3, 2022, when Edwards submitted his first grievance, through January 13, 2023, when Edwards finished exhausting his administrative remedies, we conclude that Edwards filed his complaint within the applicable statute of limitations.

IV

One final matter merits mention. In a § 1983 action like this one, the Supreme Court has instructed that we “should not unravel state limitations rules unless their full application would defeat the goals of the federal statute.” *Hardin*, 490 U.S. at 539. Here, we see no basis to conclude that applying Oregon's tolling statute would “defeat either § 1983's chief goals of compensation and deterrence or its subsidiary goals of uniformity and federalism.” *Id.* (footnote omitted). “A State's decision to toll the statute of limitations,” the Supreme Court has explained, “does not frustrate § 1983's compensation goal. Rather, it enhances the inmate's ability to bring suit and recover damages for injuries. Nor does [a] State's decision to toll its statute of limitations hinder § 1983's deterrence interest.” *Id.* at 543 (footnote omitted). So consistent with § 1983, a State may “extend[] the time in which prisoners may seek recovery for constitutional

injuries.” *See id.* at 544. And that is the result when § 12.210 is applied to an inmate’s § 1983 claim.

Defendants argue that tolling the statute of limitations *before* an inmate begins exhausting their administrative remedies is inconsistent with the purposes of the PLRA because it would incentivize inmates to delay the exhaustion process. Edwards counters that such tolling would not enable lengthy delays because Oregon’s regulations require grievances to “be received by the institution grievance coordinator within 14 calendar days from the date of the incident,” and failure to comply with this deadline would bar a lawsuit on exhaustion grounds. We do not address these arguments because we do not decide today whether § 12.210 tolls the statute of limitations for the time period between the accrual of an inmate’s § 1983 claim and the start of the prison grievance process.

V

Edwards is entitled to tolling under Oregon Revised Statutes § 12.210. With tolling, he timely filed his complaint under the applicable statute of limitations. And enforcing the Oregon tolling statute does not defeat the goals of 42 U.S.C. § 1983. Thus, the district court erred in dismissing Edwards’s claims as time barred.

REVERSED and REMANDED.