

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

Mark Alan Char v. Michael Jefferson, Casey Irvine, Fia Duarte, Scott Harrington, Lyle Antonio, Joanna White, Robin Matsunaga, Mandy Feldt, Vince Moe, Edward Vaovasa, Michael Keopuhiwasr., Calvin Mock, Jr., Shannon Cluney, Deane Hatakeyama, Maura Tresch, Romey Glidewell

Char · No. CIV. NO. 23-00474 LEK-KJM · Decided January 29, 2026

SUMMARY

The United States District Court for the District of Hawaii grants defendants’ motions for summary judgment and a related joinder in Mark Alan Char’s prisoner civil rights action. The court holds that Char failed to exhaust available administrative remedies under the Hawaii Department of Correction and Rehabilitation’s inmate grievance process, and enters summary judgment for the moving defendants on all remaining claims.

CASE DETAILS

COURT	United States District Court for the District of Hawaii
WRITING FOR THE COURT	Leslie E. Kobayashi
JURISDICTION	United States District Court for the District of Hawaii
DECIDED	January 29, 2026
DOCKET	CIV. NO. 23-00474 LEK-KJM
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action in which defendants moved for summary judgment on the affirmative defense of failure to exhaust administrative remedies under the Prison Litigation Reform Act.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed the record in the light most favorable to Char and considered his sworn pro se filings based on personal knowledge.
PRECEDENTIAL VALUE	unpublished district court order; persuasive rather than precedential
PARTIES	Mark Alan Char v. Michael Jefferson, Casey Irvine, Fia Duarte, Scott Harrington, Lyle Antonio, Joanna White, Robin Matsunaga, Mandy

Feldt, Vince Moe, Edward Vaovasa, Michael Keopuhiwasr., Calvin Mock, Jr., Shannon Cluney, Deane Hatakeyama, Maura Tresch, Romey Glidewell

TOPICS

summary judgment prisoners rights section 1983 civil rights civil procedure

PRACTICE AREAS

civil rights prisoner litigation civil procedure summary judgment administrative exhaustion

QUESTIONS PRESENTED

1. Whether Char exhausted available administrative remedies before filing claims arising from Jefferson's alleged August 21, 2021 threat.
2. Whether Char exhausted available administrative remedies before filing claims arising from the alleged November 25, 2021 assault.
3. Whether Char demonstrated that the administrative grievance process was effectively unavailable to him under the Prison Litigation Reform Act.

HOLDINGS

1. Char failed to exhaust available administrative remedies concerning the alleged August 21, 2021 threat, and he did not show that the grievance process was effectively unavailable to him.
2. Char failed to exhaust available administrative remedies concerning the alleged November 25, 2021 assault, and the defendants were entitled to summary judgment on the related excessive-force, failure-to-intervene, failure-to-protect, and intentional-infliction-of-emotional-distress claims.

KEY QUOTATIONS

“The PLRA’s exhaustion requirement extends only to available administrative remedies, and “a failure to exhaust a remedy that is effectively unavailable does not bar a claim from being heard in federal court.””

(Discussion)

“Summary judgment is granted in favor of the Moving Parties as to all of Char’s remaining claims in this case.” (Conclusion)

FACTUAL BACKGROUND

Char, an inmate at Halawa Correctional Facility, alleged that corrections officer Michael Jefferson threatened him on August 21, 2021 and assaulted him on November 25, 2021. He alleged that other prison officials failed to protect him from the threat and that Casey Irvine and Fia Duarte participated in or failed to intervene in the November assault. Hawaii's correctional system had placed Char under a grievance restriction requiring him to request grievance forms through the Grievance Office before filing a step-one grievance. The record showed that

the grievances Char identified were either unauthorized, unrelated to the alleged threat or assault, or could not be verified.

PROCEDURAL HISTORY

Char filed a first amended prisoner civil-rights complaint asserting claims under 42 U.S.C. § 1983 for alleged Eighth Amendment excessive force and failure to protect, as well as an intentional infliction of emotional distress claim. The court permitted only Counts I, II, and IV to proceed and Char did not file a second amended complaint. Defendants moved for summary judgment, Jefferson filed a separate motion, and Irvine and Duarte joined Jefferson's motion. After supplemental briefing and record materials, the court granted all motions, entered judgment on all remaining claims, and directed the clerk to close the case.

DISPOSITION

other

CASES CITED

- Ramirez v. Collier, 142 S. Ct. 1264, 1275 (2022)
- McBride v. Lopez, 807 F.3d 982, 986 (9th Cir. 2015)
- Ross v. Blake, 578 U.S. 632, 642-44 (2016)
- Booth v. Churner, 532 U.S. 731, 737-38 (2001)
- Munoz v. United States, 28 F.4th 973, 975 (9th Cir. 2022)
- Andres v. Marshall, 867 F.3d 1076, 1078 (9th Cir. 2017)
- Fordley v. Lizarraga, 18 F.4th 344, 351, 358 (9th Cir. 2021)
- Sapp v. Kimbrell, 623 F.3d 813, 823 (9th Cir. 2010)
- Nunez v. Duncan, 591 F.3d 1217, 1226 (9th Cir. 2010)
- Albino v. Baca, 747 F.3d 1162, 1177 (9th Cir. 2014) (en banc)
- Marella v. Terhune, 568 F.3d 1024, 1026 (9th Cir. 2009)
- Eaton v. Blewett, 50 F.4th 1240, 1244-45 (9th Cir. 2022)
- Thomas v. Ponder, 611 F.3d 1144, 1150 (9th Cir. 2010)
- Blaisdell v. Frappiea, 729 F.3d 1237, 1241 (9th Cir. 2013)
- Marrero v. Ives, 682 F.3d 1190, 1192 (9th Cir. 2012)
- Soto v. Sweetman, 882 F.3d 865, 872 (9th Cir. 2018)
- Jones v. Blanas, 393 F.3d 918, 923 (9th Cir. 2004)
- Estate of Lopez ex rel. Lopez v. Gelhaus, 871 F.3d 998, 1009 n.10 (9th Cir. 2017)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986)
- Harris v. County of Orange, 17 F.4th 849, 855 (9th Cir. 2021)
- Scott v. Harris, 550 U.S. 372, 380 (2007)

