

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Keair Boyd v. Tanisha Henry, et al.

Boyd · No. 2:23-cv-01022-CDS-MDC · Decided January 26, 2026

SUMMARY

The United States District Court for the District of Nevada granted defendants’ unopposed motion for summary judgment in Keair Boyd’s 42 U.S.C. § 1983 action alleging deliberate indifference to his medical needs. The court held that Boyd failed to properly exhaust available administrative remedies under the Prison Litigation Reform Act because his grievance was repeatedly rejected and he did not cure the identified deficiencies. The court directed the Clerk to enter judgment for the defendants and close the case.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Nevada                                                                                                                                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Cristina D. Silva                                                                                                                                                                                                                                                                                                                                                                                        |
| JURISDICTION          | United States District Court for the District of Nevada                                                                                                                                                                                                                                                                                                                                                  |
| DECIDED               | January 26, 2026                                                                                                                                                                                                                                                                                                                                                                                         |
| DOCKET                | 2:23-cv-01022-CDS-MDC                                                                                                                                                                                                                                                                                                                                                                                    |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Defendants moved for summary judgment in a prisoner civil-rights action alleging deliberate indifference to serious medical needs. The motion was unopposed.                                                                                                                                                                                                                                             |
| STANDARD OF REVIEW    | Summary judgment is appropriate when, viewing the evidence in the light most favorable to the nonmovant, there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. On a PLRA exhaustion defense, defendants must prove that an available administrative remedy existed and was not exhausted; the ultimate burden of proof remains with defendants. |
| PRECEDENTIAL VALUE    | Unpublished district-court order; precedential status not stated                                                                                                                                                                                                                                                                                                                                         |
| PARTIES               | Tanisha Henry, James Scally, Doe Nursing Director                                                                                                                                                                                                                                                                                                                                                        |

TOPICS

- prisoners rights
- section 1983
- summary judgment
- civil rights
- cruel and unusual punishment

## PRACTICE AREAS

civil rights

prisoner litigation

federal civil procedure

## QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment because Boyd failed to properly exhaust available administrative remedies under the Prison Litigation Reform Act.
2. Whether the grievance process was unavailable to Boyd because prison policies allegedly delayed or impeded his ability to pursue the grievance.

## HOLDINGS

1. Defendants were entitled to summary judgment because the undisputed record showed that Boyd did not complete the required administrative grievance process before bringing his § 1983 action.
2. Boyd did not establish that the grievance process was unavailable to him.

## KEY QUOTATIONS

*“To succeed on a PLRA-exhaustion defense at summary judgment, the defendant must “prove that there was an available administrative remedy” that the prisoner did not exhaust” (at 5)*

*“Consequently, the defendants are entitled to summary judgment on Boyd’s medical indifference claim based on the failure to exhaust PLRA administrative remedies.” (at 8)*

## FACTUAL BACKGROUND

While incarcerated in Nevada, Boyd was prescribed Bactrim at Ely State Prison for an ear-related condition and was transferred to High Desert State Prison shortly thereafter. He alleged that prison medical staff prescribed medication without properly examining him, that the medication made him ill, and that defendants ignored his requests for assistance. Boyd filed one relevant grievance, but it was rejected three times because he failed to demonstrate that he had first attempted to resolve the issue through the required informal process and failed to cure the identified deficiencies.

## PROCEDURAL HISTORY

Boyd filed this action on June 30, 2023. After screening, his Eighth Amendment deliberate-indifference claim proceeded against Henry, Scally, and a Doe Nursing Director, while his conditions-of-confinement claim based on lack of recreation was dismissed. Defendants moved for summary judgment, Boyd filed no opposition, and the court granted the motion based on failure to exhaust administrative remedies under the PLRA.

## DISPOSITION

other

## CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 250-51 (1986)

- Harper v. Wallingford, 877 F.2d 728, 731 (9th Cir. 1989)
- Musick v. Burke, 913 F.2d 1390, 1394 (9th Cir. 1990)
- Sonner v. Schwabe N. Am., Inc., 911 F.3d 989, 992 (9th Cir. 2018)
- Galen v. County of Los Angeles, 477 F.3d 652, 658 (9th Cir. 2007)
- Bhan v. NME Hosps., Inc., 929 F.2d 1404, 1409 (9th Cir. 1991)
- Woodford v. Ngo, 548 U.S. 81, 91 (2006)
- Ross v. Blake, 578 U.S. 632, 642-44 (2016)
- Albino v. Baca, 747 F.3d 1162, 1166 (9th Cir. 2014)
- Jones v. Bock, 549 U.S. 199, 204 (2007)
- United States v. Morfin-Rios, 2023 U.S. Dist. LEXIS 116878, at \*3 (S.D. Cal. July 5, 2023)
- Jackson v. Russell, 2025 U.S. Dist. LEXIS 5058, at \*5 (D. Nev. Jan. 8, 2025)
- Brown v. Valoff, 422 F.3d 926, 931 nn.7, 9 (9th Cir. 2005)
- Rodriguez v. Cain, 2022 U.S. Dist. LEXIS 89323, at \*16 (D. Or. May 17, 2022)
- DePetro v. Minev, 2024 U.S. Dist. LEXIS 16008, at \*14 n.10 (D. Nev. Jan. 26, 2024)