

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, ROANOKE DIVISION

Bethea v. Mullins

Bethea · No. 7:24-cv-00339 · Decided March 30, 2026

SUMMARY

The United States District Court for the Western District of Virginia grants Dr. Mullins’s motion for summary judgment in Christopher Bethea’s § 1983 action alleging inadequate medical care. The court concludes that Bethea failed to exhaust available administrative remedies under the Prison Litigation Reform Act and did not show that the grievance process was unavailable.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Elizabeth K. Dillon
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	March 30, 2026
DOCKET	7:24-cv-00339
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, a Virginia prisoner proceeding pro se, brought a 42 U.S.C. § 1983 action alleging inadequate medical care in violation of the Eighth Amendment. Defendant moved for summary judgment based on failure to exhaust administrative remedies under the Prison Litigation Reform Act.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and is entitled to judgment as a matter of law. The court considers whether a reasonable jury could find for the nonmoving party, viewing inferences in the light most favorable to that party.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Christopher Bethea v. Dr. Mullins

TOPICS

summary judgment

prisoners rights

section 1983

civil rights

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

summary judgment

administrative exhaustion

QUESTIONS PRESENTED

1. Whether Dr. Mullins was entitled to summary judgment because Bethea failed to exhaust available administrative remedies as required by the Prison Litigation Reform Act.
2. Whether Bethea demonstrated that the Virginia Department of Corrections grievance process was unavailable to him.

HOLDINGS

1. Bethea failed to exhaust his administrative remedies because he did not pursue the regular grievance process or applicable levels of review; an emergency grievance and facility requests did not satisfy the requirements of the Virginia Department of Corrections grievance procedure.
2. Bethea did not show that administrative remedies were unavailable because he offered no facts demonstrating that prison officials prevented him, through no fault of his own, from using the appropriate grievance procedure.

KEY QUOTATIONS

“The PLRA’s exhaustion requirement is mandatory and “applies to all inmate suits about prison life, whether they involve general circumstances or particular episodes, and whether they allege excessive force or some other wrong.””

“Proper exhaustion demands compliance with an agency’s deadlines and other critical procedural rules.”

“The record in this case shows that Bethea made limited attempts to exhaust his claims, but did not pursue any written complaints or regular grievances through any or all applicable levels of review.”

FACTUAL BACKGROUND

Bethea, a diabetic Virginia prisoner, injured a toe and alleged continuing bleeding, pain, and risk of infection after Dr. Mullins stitched the wound. Bethea submitted facility requests and an emergency grievance concerning the injury but did not submit a regular grievance or pursue appeals through the Virginia Department of Corrections grievance system. The grievance coordinator's affidavit established the applicable grievance procedures and stated that no written complaints or regular grievances concerning the claims were filed.

PROCEDURAL HISTORY

Bethea filed suit concerning treatment of a toe injury at Wallens Ridge State Prison. Dr. Mullins moved for summary judgment, asserting that Bethea failed to complete the Virginia Department of Corrections grievance process. After considering the motion, Bethea's response, affidavits, grievance materials, and facility requests, the court granted summary judgment and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- In re Apex Express Corp., 190 F.3d 624, 633 (4th Cir.)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323-24 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 252 (1986)
- Moore v. Bennette, 517 F.3d 717, 725 (4th Cir.)
- Porter v. Nussle, 534 U.S. 516, 524 (2002)
- Jones v. Bock, 549 U.S. 199, 218 (2007)
- Woodford v. Ngo, 548 U.S. 81, 90 (2006)
- Ross v. Blake, 578 U.S. 632, 642-44 (2016)
- Woodhouse v. Duncan, 741 F. App'x 177, 178 (4th Cir.)
- Draper v. Ohai, Civil Action No. 7:23-cv-00248, 2025 WL 270051, at *5 (W.D. Va. Jan. 22, 2025)
- Graham v. Gentry, 413 F. App'x 660, 662-63 (4th Cir.)
- Booth v. Churner, 523 U.S. 731, 738 (2001)