

United States Court of Appeals
For the Eighth Circuit

No. 22-1192

Nigeria Lee Harvey,

Plaintiff - Appellant,

v.

Minnesota Department of Correction; Paul Schnell, Commissioner; Michelle Smith, Deputy Commissioner; Guy Bosch, Warden of the Minnesota Stillwater Correctional Facility; Lisa Stenseth, Associate Warden of Administration; Victor Wanchena, Associate Warden of Administration; Andrew Reed, Program Director; Brianna Erickson, 2nd Watch Commander; Marisa Williams, 3rd Watch Commander; Monica Arons, RN Supervisor; Lynn Noll, Health Services Director; Nanette Larson, Director of Nursing; Tina Sneen, Director of Nursing; Centurion of Minnesota, L.L.C.,

Defendants - Appellees.

Appeal from United States District Court
for the District of Minnesota

Submitted: May 17, 2022

Filed: June 6, 2022

[Unpublished]

Before COLLOTON, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Minnesota inmate Nigeria Harvey appeals a decision of the district court¹ dismissing his action under 42 U.S.C. § 1983 for failure to exhaust administrative remedies. Upon careful review, we conclude that dismissal was proper. *See* 42 U.S.C. § 1997e(a); *Johnson v. Jones*, 340 F.3d 624, 627 (8th Cir. 2003). Specifically, Harvey failed to comply with the Minnesota Department of Corrections grievance procedure by sending a letter directly to its Central Office without first sending a kite to the appropriate staff person at the prison and filing a formal grievance with the facility's grievance coordinator. *See Burns v. Eaton*, 752 F.3d 1136, 1141 (8th Cir. 2014). He also did not show that his administrative remedies were unavailable. *See Ross v. Blake*, 136 S. Ct. 1850, 1859-60 (2016); *Gibson v. Weber*, 431 F.3d 339, 341 (8th Cir. 2005).

Accordingly, we affirm. *See* 8th Cir. R. 47B.

¹The Honorable Wilhelmina M. Wright, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable John F. Docherty, United States Magistrate Judge for the District of Minnesota.