

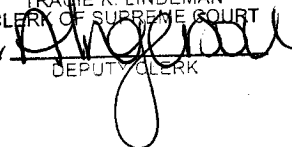
IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID J. TIFFANY,  
Appellant,  
vs.  
JOHN KEENER; SGT. DAVID  
CARPENTER; ROBERT LEGRAND;  
AND THE STATE OF NEVADA,  
Respondents.

No. 60193

**FILED**

OCT 17 2013

TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*


This is a proper person appeal from a district court order dismissing a civil rights action. Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

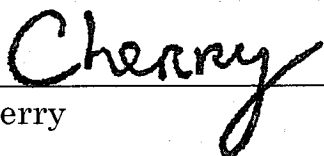
Having considered the civil proper person appeal statement and the record on appeal, we conclude that the district court did not err in dismissing the underlying case. *See Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (providing that this court rigorously reviews orders dismissing an action, and as such, accepts all factual allegations in the complaint as true and draws all inferences in favor of appellant). Notably, our review of the record demonstrates that appellant failed to properly exhaust his administrative remedies before filing the underlying action as he failed to timely appeal the decision from his first level grievance. *See* NDOC AR 740.06(4)(A) (requiring an appeal from a first level decision to be filed within five days); *Woodford v. Ngo*, 548 U.S. 81, 90 (2006) (providing that “[p]roper exhaustion demands compliance with an agency’s deadlines”). Because an inmate must exhaust all administrative remedies before seeking judicial relief, *First*

*Am. Title Co. of Nev. v. State of Nev.*, 91 Nev. 804, 806, 543 P.2d 1344, 1345 (1975); *see also Woodford*, 548 U.S. at 94 (providing that exhaustion of administrative remedies is especially important in relation to actions filed against state corrections systems), the district court was required to dismiss the underlying case. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Richard Wagner, District Judge  
David J. Tiffany  
Attorney General/Carson City  
Pershing County Clerk

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<sup>1</sup>Having considered appellant's remaining arguments, we conclude that they lack merit.