

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
ILLINOIS

Micah Chezum v. Christina Simmons, et al.

Case No. 3:24-CV-1658-MAB · No. 3:24-CV-1658-MAB · Decided December 17, 2025

SUMMARY

The United States District Court for the Southern District of Illinois partially grants and partially denies defendants’ motion for summary judgment concerning exhaustion under the Prison Litigation Reform Act. The court dismisses without prejudice the excessive-force claim concerning the June 7, 2023 mace incident, while finding factual disputes regarding exhaustion of the broomstick and medical-care claims. The court permits defendants to request a Pavey evidentiary hearing concerning the alleged missing or unanswered grievances and appeal.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of Illinois                                                                                                                                                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Mark A. Beatty                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the Southern District of Illinois                                                                                                                                                                                                                                                                                                                                                                                        |
| DECIDED               | December 17, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| DOCKET                | 3:24-CV-1658-MAB                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Defendants moved for summary judgment on the affirmative defense that Plaintiff failed to exhaust administrative remedies under the Prison Litigation Reform Act. The court granted the motion as to Count 3 and dismissed that claim without prejudice, but denied the motion as to Counts 1 and 2 because factual disputes remained regarding exhaustion and the possible loss or destruction of grievances.                                            |
| 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. Facts and reasonable inferences are construed in favor of the nonmoving party, and factual disputes may not be resolved in favor of the party seeking summary judgment. On exhaustion, Defendants bear the burden of proving beyond dispute that administrative remedies were available and not exhausted. |
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## TOPICS

prisoners rights

summary judgment

section 1983

civil procedure

cruel and unusual punishment

## PRACTICE AREAS

prisoner civil rights

civil procedure

constitutional law

## QUESTIONS PRESENTED

1. Whether Defendants were entitled to summary judgment on the ground that Chezum failed to exhaust administrative remedies for Counts 1 and 2.
2. Whether Grievance No. K4-1023-1130 was sufficient to identify and exhaust Chezum's broomstick excessive-force claim and deliberate-indifference claim if the grievance was timely appealed or otherwise rendered unavailable through no fault of Chezum.
3. Whether Chezum exhausted administrative remedies for Count 3, concerning the June 7, 2023 mace incident.

## HOLDINGS

1. Because prison officials addressed Grievance No. K4-1023-1130 on the merits rather than rejecting it as untimely, Defendants could not rely on the 60-day filing deficiency as a basis for the failure-to-exhaust defense.
2. Summary judgment was improper as to Counts 1 and 2 because genuine factual disputes existed regarding whether Chezum timely appealed Grievance No. K4-1023-1130 and whether the appeal was subsequently lost, destroyed, or ignored.
3. If Grievance No. K4-1023-1130 was timely appealed and otherwise exhausted, it was sufficient to identify and exhaust Count 1 and Count 2.
4. Defendants were entitled to summary judgment on Count 3 because the only documented grievance did not mention or identify the June 7 mace-spraying incident, and Chezum provided insufficient evidence that any missing grievance addressed that incident.

## KEY QUOTATIONS

*"A prisoner may not bring a federal suit about prison conditions unless he first has exhausted all available administrative remedies."* (Legal Standards, II)

*"providing evidence of no documented receipt of a grievance appeal is not the same as demonstrating that Plaintiff never attempted to appeal his grievance to the ARB."* (Discussion, I)

*"Such factual disputes can arise even when the prison denies that any grievance was filed, and the prisoner provides 'no documentation to back up his claim' that he filed a grievance because a 'swearing contest requires an evidentiary hearing to resolve.'" (Discussion, II)*

## FACTUAL BACKGROUND

Chezum, while incarcerated at Pinckneyville Correctional Center, alleged that correctional officers used a broomstick against him during a June 6, 2023 incident, that staff failed to obtain medical or mental-health care, and that staff sprayed mace into his cell on June 7, 2023. He later filed Grievance No. K4-1023-1130 at Menard Correctional Center, describing the June 6 broomstick incident, self-harm, and staff conduct, and asserted that earlier versions of the grievance had gone unanswered. The grievance was treated as an emergency and resolved on the merits at the facility level, but the Administrative Review Board had no record of receiving an appeal.

## PROCEDURAL HISTORY

Chezum filed a 42 U.S.C. § 1983 action concerning alleged constitutional violations at Pinckneyville Correctional Center. After preliminary screening under 28 U.S.C. § 1915A, he was permitted to proceed on Eighth Amendment excessive-force and deliberate-indifference claims. Defendants moved for summary judgment on exhaustion. The court found that Grievance No. K4-1023-1130 potentially exhausted Counts 1 and 2 if Chezum timely appealed it, but did not address the June 7 mace incident in Count 3. The court dismissed Count 3 without prejudice and denied summary judgment on Counts 1 and 2, allowing Defendants to request a Pavey evidentiary hearing.

## DISPOSITION

other

## REMAND INSTRUCTIONS

No remand was ordered. Defendants may file, within 14 days, a notice requesting a Pavey hearing on whether Chezum timely appealed Grievance No. K4-1023-1130 or timely filed other grievances concerning Counts 1 and 2 and whether those filings were lost, destroyed, or ignored. If no hearing is requested, the court will enter a scheduling order for merits discovery.

## CASES CITED

- Apex Digital, Inc. v. Sears, Roebuck & Co., 735 F.3d 962, 965 (7th Cir. 2013)
- Tolan v. Cotton, 572 U.S. 650, 656 (2014)
- Siegel v. Shell Oil Co., 612 F.3d 932, 937 (7th Cir. 2010)
- Pavey v. Conley, 663 F.3d 899, 903 (7th Cir. 2011)
- Pozo v. McCaughtry, 286 F.3d 1022, 1025 (7th Cir. 2002)
- Pyles v. Nwaobasi, 829 F.3d 860, 864 (7th Cir. 2016)
- Lanaghan v. Koch, 902 F.3d 683, 688 (7th Cir. 2018)
- Ramirez v. Young, 906 F.3d 530, 533-34 (7th Cir. 2018)
- Maddox v. Love, 655 F.3d 709, 722 (7th Cir. 2011)
- McDaniel v. Meisner, 617 Fed. Appx. 553, 557 (7th Cir. 2015)
- Schaefer v. Bezy, 336 Fed. Appx. 558, 560 (7th Cir. 2009)

- Dole v. Chandler, 438 F.3d 804, 811 (7th Cir. 2006)
- Jackson v. Esser, 105 F.4th 948, 957 (7th Cir. 2024)
- Hernandez v. Lee, 128 F.4th 866, 870 (7th Cir. 2025)
- Roberts v. Neal, 745 F.3d 232, 234 (7th Cir. 2014)
- Wilborn v. Ealey, 881 F.3d 998, 1004 (7th Cir. 2018)
- Strong v. David, 297 F.3d 646, 650 (7th Cir. 2002)
- Wilson v. Holloway, 19 C 8114, 2022 WL 444113, at \*2 (N.D. Ill. Feb. 14, 2022)
- Lisle v. Keller, 803 Fed. Appx. 926, 928 (7th Cir. 2020)