

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA, NEW ALBANY DIVISION

**Jermaine Cosby v. Floyd County Sheriff's Department, Bradley
Dangler Lieutenant, Moses Lieutenant, Boone Officer, Borral Officer,
Winegaud Officer, Steve Bush Jail Commander, and Lieutenant Roy**

Cosby · No. 4:24-cv-00126-TWP-KMB · Decided March 5, 2026

SUMMARY

The United States District Court for the Southern District of Indiana denies defendants’ motion for summary judgment in Jermaine Cosby’s civil rights action arising from an alleged strip-search assault at the Floyd County Jail. The court concludes that jail administrators addressed Cosby’s untimely grievance on the merits, satisfying the Prison Litigation Reform Act’s exhaustion requirement, and gives defendants notice of its intent to grant Cosby summary judgment on that issue. The court also denies Cosby’s third motion for appointed counsel without prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana, New Albany Division
WRITING FOR THE COURT	Tanya Walton Pratt
JURISDICTION	United States District Court for the Southern District of Indiana, New Albany Division
DECIDED	March 5, 2026
DOCKET	4:24-cv-00126-TWP-KMB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging sexual assault, excessive force, failure to intervene, racial discrimination, and unjustified segregation while detained at the Floyd County Jail. Defendants moved for summary judgment on the ground that Plaintiff failed to exhaust administrative remedies under the Prison Litigation Reform Act. Plaintiff did not respond. The court denied Defendants' motion, gave notice of its intent to grant summary judgment to Plaintiff on the exhaustion defense under Federal Rule of Civil Procedure 56(f)(1), and denied Plaintiff's renewed motion for appointment of counsel without prejudice.

STANDARD OF REVIEW

Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views the record and draws reasonable inferences in favor of the nonmoving party, without weighing evidence or making credibility determinations. Even when a motion is unopposed, the movant must demonstrate that summary judgment is proper under the undisputed facts.

PRECEDENTIAL VALUE

unknown

TOPICS

summary judgment

prisoners rights

section 1983

civil rights

civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Defendants were entitled to summary judgment on the PLRA exhaustion defense because Cosby filed his grievance after the jail's five-day deadline and allegedly failed to identify the involved officers.
2. Whether an inmate satisfies the PLRA exhaustion requirement when prison officials accept and resolve an otherwise procedurally defective grievance on its merits.
3. Whether Cosby's third motion for appointment of counsel should be granted.

HOLDINGS

1. When prison administrators address an inmate's grievance on the merits rather than rejecting it on procedural grounds, the grievance satisfies the PLRA exhaustion requirement, even if the inmate did not comply with procedural requirements such as the filing deadline or naming each involved officer.
2. Defendants were not entitled to summary judgment on the exhaustion defense because the undisputed record showed that Cosby exhausted the jail's grievance process as required for purposes of the PLRA.
3. Cosby's renewed motion for appointment of counsel was denied without prejudice because it presented no new information and the case could proceed through discovery without counsel.

KEY QUOTATIONS

“Still, if jail administrators resolve a grievance on the merits despite an inmate's noncompliance with procedural rules, the plaintiff's obligation as to exhaustion has been satisfied.” (III)

“Where prison officials address an inmate's grievance on the merits without rejecting it on procedural grounds, the grievance has served its function of alerting the state and inviting corrective action, and defendants cannot rely on the failure to exhaust defense.” (III)

“The Defendants have through March 18, 2026, to SHOW CAUSE why summary judgment should not be granted.” (V)

FACTUAL BACKGROUND

On August 22, 2024, Cosby was a pretrial detainee at the Floyd County Jail when he was processed for segregation after an incident involving inmates refusing orders. Cosby alleged that during a strip search Lieutenant Dangler sexually assaulted him, that Dangler and Officer Boone beat him, and that other officers watched or failed to intervene. Cosby filed a grievance on September 21, 2024, alleging sexual assault, beating, and being dragged naked through the jail; jail officials investigated the allegations and issued responses at the initial, first-appeal, and second-appeal levels, finding the claims unfounded.

PROCEDURAL HISTORY

Cosby filed this action after an alleged strip-search assault at the Floyd County Jail. Defendants moved for summary judgment based on failure to exhaust administrative remedies. Although Cosby did not respond, the court determined from Defendants' evidence that jail administrators investigated and resolved his grievance through every level of the jail's grievance procedure on the merits. The court denied the motion for summary judgment and ordered Defendants to show cause why summary judgment should not be entered for Cosby on exhaustion; it separately denied without prejudice Cosby's third motion for counsel.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Defendants were ordered to show cause by March 18, 2026, why summary judgment should not be granted to Cosby on the exhaustion issue, or alternatively to withdraw the affirmative defense. Cosby's third motion for appointment of counsel was denied without prejudice.

CASES CITED

- *Khungar v. Access Cmty. Health Network*, 985 F.3d 565, 572-73 (7th Cir. 2021)
- *Miller v. Gonzalez*, 761 F.3d 822, 827 (7th Cir. 2014)
- *Grant v. Trs. of Ind. Univ.*, 870 F.3d 562, 573-74 (7th Cir. 2017)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)
- *Robinson v. Waterman*, 1 F.4th 480, 483 (7th Cir. 2021)
- *Zerante v. DeLuca*, 555 F.3d 582, 584 (7th Cir. 2009)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986)
- *Porter v. Nussle*, 534 U.S. 516, 532 (2002)
- *Reid v. Balota*, 962 F.3d 325, 329 (7th Cir. 2020)
- *Woodford v. Ngo*, 548 U.S. 81, 90-91 (2006)
- *Dale v. Lappin*, 376 F.3d 652, 655 (7th Cir. 2004)

- Pozo v. McCaughtry, 286 F.3d 1022, 1025 (7th Cir. 2002)
- Wilborn v. Ealey, 881 F.3d 998, 1004 (7th Cir. 2018)
- Ross v. Blake, 578 U.S. 632, 639 (2016)
- Maddox v. Love, 655 F.3d 709, 721-22 (7th Cir. 2011)
- Conyers v. Abitz, 416 F.3d 580, 584 (7th Cir. 2005)
- Jones v. Bock, 549 U.S. 199, 219 (2007)
- Schillinger v. Kiley, 954 F.3d 990, 995 (7th Cir. 2020)

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