

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Donte S. Harris, Jr. v. Jordan Kijek et al.

Harris v. Kijek · No. 25-cv-0762-bhl · Decided April 30, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin granted Defendants’ motion for partial summary judgment on exhaustion grounds in Donte Harris, Jr.’s 42 U.S.C. § 1983 action. The court held that Harris failed to exhaust his retaliation claim because his inmate complaints did not identify protected activity or connect that activity to Defendant Jordan Kijek’s alleged destruction of his property. The retaliation claim was dismissed without prejudice, while the court allowed for potential summary judgment motions concerning the remaining Eighth Amendment claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Brett H. Ludwig
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	April 30, 2026
DOCKET	25-cv-0762-bhl
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved for partial summary judgment on the ground that Plaintiff failed to exhaust available administrative remedies for his 42 U.S.C. § 1983 retaliation claim.
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 evidence and draws reasonable inferences in favor of the nonmoving party.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court decision

TOPICS

- summary judgment
- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Harris exhausted available administrative remedies for his retaliation claim by filing inmate complaints that did not identify the protected activity allegedly motivating Kijek's retaliatory conduct.
2. Whether Defendants were entitled to partial summary judgment on the exhaustion issue.

HOLDINGS

1. A prisoner asserting retaliation must provide prison officials with notice of the protected activity that allegedly motivated the retaliatory conduct and connect that activity to the defendant's conduct. Harris failed to exhaust because his inmate complaints did not allege that he threatened to file an inmate complaint or that Kijek discarded his property because of that threat.

KEY QUOTATIONS

“In the case of retaliation claims, an inmate complaint must “put the prison on notice about what protected conduct motivated [the prison official] to retaliate against him.””

“As such, Harris did not exhaust the available administrative remedies because he did not provide adequate notice to the institution that he believed Kijek had retaliated against him.”

FACTUAL BACKGROUND

Harris was incarcerated at Waupun Correctional Institution, where Kijek worked as a correctional sergeant. Harris filed one inmate complaint about Kijek's alleged failure to respond appropriately to Harris's threats of self-harm and another about property that had been thrown away or lost. Neither complaint alleged that Harris had threatened to file an inmate complaint against Kijek or that Kijek discarded the property in retaliation for that threatened protected activity.

PROCEDURAL HISTORY

Harris brought a pro se § 1983 action while incarcerated, including a retaliation claim against Kijek. Defendants moved for partial summary judgment limited to exhaustion. The district court granted the motion and dismissed the retaliation claim without prejudice, while allowing the remaining Eighth Amendment claims to proceed toward possible merits summary judgment or trial.

DISPOSITION

dismissed

CASES CITED

- Johnson v. Advocate Health & Hosps. Corp., 892 F.3d 887, 893 (7th Cir. 2018)
- Parker v. Four Seasons Hotels, Ltd., 845 F.3d 807, 812 (7th Cir. 2017)
- Siegel v. Shell Oil Co., 612 F.3d 932, 937 (7th Cir. 2010)

- Austin v. Walgreen Co., 885 F.3d 1085, 1087-88 (7th Cir. 2018)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Dole v. Chandler, 438 F.3d 804, 809 (7th Cir. 2006)
- King v. McCarty, 781 F.3d 889, 893 (7th Cir. 2015)
- Strong v. David, 297 F.3d 646, 650 (7th Cir. 2002)
- Maus v. Pagel, No. 23-2855, 2024 WL 1342582 (7th Cir. Mar. 29, 2024)
- Rogers v. Webster, No. 22-cv-1036, 2024 WL 1051321, at *4 (E.D. Wis. Mar. 11, 2024)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-wis/2026/donte-s-harris-jr-v-jordan-kijek-et-al-3id7s200>