

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Sara Kielly v. Sean P. Donovan

Kielly v. Donovan · No. 22-CV-8981 (NSR) · Decided December 3, 2025

SUMMARY

The United States District Court for the Southern District of New York granted Defendant Sean P. Donovan’s motion for summary judgment in Sara Kielly’s 42 U.S.C. § 1983 action alleging deliberate indifference to suicidal ideation in violation of the Eighth Amendment. The court held that Plaintiff failed to exhaust available administrative remedies under the Prison Litigation Reform Act because the record did not show that her grievance appeal was properly submitted to CORC, and it rejected her argument that the grievance process was unavailable.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Nelson S. Roman
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 3, 2025
DOCKET	22-CV-8981 (NSR)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging that Defendant was deliberately indifferent to her suicidal ideations in violation of the Eighth Amendment. Defendant moved for summary judgment based on failure to exhaust administrative remedies, and the court granted the motion.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court must draw rational inferences in favor of the nonmovant and may not weigh evidence or resolve credibility disputes.
PRECEDENTIAL VALUE	Unknown; the source metadata identifies the precedential status as Unknown.
PARTIES	Sara Kielly v. Sean P. Donovan

TOPICS

summary judgment

prisoners rights

section 1983

civil rights

civil procedure

PRACTICE AREAS

civil procedure

constitutional law

prison litigation

civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff timely submitted her grievance under the DOCCS Inmate Grievance Program despite filing it twenty-eight days after the incident.
2. Whether Plaintiff properly exhausted administrative remedies by appealing her grievance to CORC before commencing the § 1983 action.
3. Whether the administrative remedies were unavailable to Plaintiff under the exceptions recognized in *Ross v. Blake*.

HOLDINGS

1. Plaintiff's grievance was timely because, although filed twenty-eight days after the incident, she requested an extension within the permitted period and demonstrated mitigating circumstances arising from her suicide attempt, medical recovery, monitoring, and transfers among facilities.
2. Plaintiff failed to establish that she properly submitted an appeal to CORC and therefore failed to exhaust the administrative remedies available under the DOCCS Inmate Grievance Program.
3. Plaintiff failed to demonstrate that the grievance process was unavailable under the recognized exceptions for a dead end, an opaque procedure, or official machination, misrepresentation, or intimidation.

KEY QUOTATIONS

“Summary judgment is appropriate “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (at 5)

“Indeed, the PLRA’s exhaustion requirement is “mandatory” and thus “foreclose[s] judicial discretion.”” (at 8)

“The Supreme Court has recognized three situations in which administrative remedies may be unavailable” (at 10)

“A lack of evidence that Plaintiff submitted or followed up on her CORC appeal reflects not unavailability of remedies, but Plaintiff’s failure to exhaust those remedies.” (at 11)

FACTUAL BACKGROUND

Plaintiff, an incarcerated person at Downstate Correctional Facility, alleged that Defendant Donovan laughed when she expressed suicidal ideations and told her to kill herself. Shortly afterward, Plaintiff attempted suicide using the metal frame of her glasses, received emergency treatment and surgery, and was transferred among

several correctional and psychiatric facilities. Plaintiff submitted a grievance twenty-eight days after the incident, requested an extension based on her medical recovery and transfers, and later claimed to have pursued appeals, but DOCCS and CORC had no record of an appeal concerning the incident.

PROCEDURAL HISTORY

Plaintiff commenced the action on October 20, 2022. Defendant moved for summary judgment on June 6, 2025, arguing that Plaintiff filed an untimely grievance and failed to complete the appeal to CORC. Plaintiff opposed the motion, arguing that she timely requested an extension and that the administrative remedies were unavailable. The court granted summary judgment for Defendant and directed the Clerk to enter judgment and close the case.

DISPOSITION

other

CASES CITED

- Smith v. Cordero, 2024 WL 2802860, at *2 (S.D.N.Y. May 28, 2024)
- Garcia v. Heath, 74 F.4th 44, 46 (2d Cir. 2023)
- Terry v. Hulse, 2018 WL 4682784, at *7 (S.D.N.Y. 2018)
- Mateo v. Alexander, 2010 WL 431718, at *3 (S.D.N.Y. Feb. 9, 2010)
- Ross v. Blake, 578 U.S. 632, 639, 642-44 (2016)
- Hubbs v. Suffolk Cty. Sheriff's Dep't, 788 F.3d 54, 59 (2d Cir. 2015)
- McRae v. Cordero, 2018 WL 3611964, at *4 (S.D.N.Y. July 26, 2018)
- Santos v. Schroeder, 2021 WL 931959, at *6 (N.D.N.Y. Feb. 1, 2021), report and recommendation adopted, 2021 WL 930709 (N.D.N.Y. Mar. 11, 2021)
- Ruiz v. Link, 2022 WL 3020254, at *4-*6 (S.D.N.Y. July 29, 2022)
- Jackson v. Jackson, 2021 WL 981849, at *4 (S.D.N.Y. Mar. 16, 2021)
- Adams v. George, 2020 WL 5504472, at *6 (S.D.N.Y. Sept. 8, 2020)
- White v. Veile, 709 F. App'x 35, 38 (2d Cir. 2017)
- Saeli v. Chautauqua County, 36 F.4th 445, 453 (2d Cir. 2022)
- Davis v. Grant, 2019 WL 498277, at *9 (S.D.N.Y. Feb. 8, 2019)
- Litchmore v. Williams, 2013 WL 3975956, at *6 (S.D.N.Y. Aug. 5, 2013)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-52 (1986)
- Kirkland v. Cablevision Sys., 760 F.3d 223, 224 (2d Cir. 2014)
- Jeffreys v. City of New York, 426 F.3d 549, 553 (2d Cir. 2005)

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