

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

French v. Wills

French · No. 25-cv-1599-DWD · Decided March 24, 2026

SUMMARY

The court grants in part and denies in part defendants’ motion for summary judgment in an inmate’s 42 U.S.C. § 1983 action concerning access to Islamic religious services. The court dismisses the Equal Protection claim without prejudice for failure to exhaust administrative remedies before filing suit and dismisses the RLUIPA claim with prejudice because the plaintiff’s transfer mooted his request for injunctive relief. The First Amendment claim against the prison officials may proceed.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	David W. Dugan
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	March 24, 2026
DOCKET	25-cv-1599-DWD
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on exhaustion of administrative remedies in a prisoner civil-rights action under 42 U.S.C. § 1983. The court granted the motion in part as to the Equal Protection claim, denied it as to the First Amendment and RLUIPA exhaustion issues, dismissed the Equal Protection claim without prejudice, and dismissed the RLUIPA claim with prejudice as moot after Plaintiff's transfer.
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. Facts and reasonable inferences are viewed in favor of the nonmoving party. In prisoner-exhaustion disputes, the court may resolve contested factual issues through a Pavey evidentiary hearing, but no hearing is required when no genuine factual dispute exists and the issue is purely legal.
PRECEDENTIAL VALUE	Unknown; unpublished district-court memorandum and order.

PARTIES

Marcellus French v. Anthony Wills, Samuel Sterrett

TOPICS

summary judgment

prisoners rights

civil rights

first amendment

equal protection

PRACTICE AREAS

Prisoner civil rights

Civil procedure

Administrative exhaustion

Constitutional law

Religious freedom

QUESTIONS PRESENTED

1. Whether Defendants established that French failed to exhaust available administrative remedies before filing his First Amendment claim concerning denial of Islamic religious services.
2. Whether Defendants established that French failed to exhaust available administrative remedies before filing his RLUIPA claim concerning denial of Islamic religious services.
3. Whether French exhausted his Equal Protection claim concerning allegedly unequal religious treatment of inmates in the East cellhouse before filing suit.
4. Whether French's transfer from Menard mooted his RLUIPA claim because only injunctive relief was available against the prison official in his official capacity.

HOLDINGS

1. Defendants failed to carry their burden of proving that French failed to exhaust his administrative remedies concerning the First Amendment claim arising from cancellation or denial of Islamic religious services. French may proceed on Claim 1.
2. Defendants failed to establish that French failed to exhaust the RLUIPA claim, but the claim must nevertheless be dismissed with prejudice because French's transfer eliminated his ability to obtain injunctive relief against the Menard official.
3. French failed to exhaust his Equal Protection claim before filing suit, so Claim 3 must be dismissed without prejudice.

KEY QUOTATIONS

“The exhaustion requirement is an affirmative defense, which the defendants bear the burden of proving.”
(Conclusions of Law, Legal Standards)

“Therefore, Plaintiff may only proceed on Claim 1 under the First Amendment against Defendants Wills and Sterrett.” (Disposition)

FACTUAL BACKGROUND

French, an IDOC inmate formerly housed at Menard Correctional Center, alleged that prison officials denied or curtailed access to Islamic Taleem and Jum'ah services and scheduled Taleem at the same time as law-library access. He also alleged that inmates in the East cellhouse received less favorable religious opportunities than

inmates in other housing units. French filed several grievances, but the grievances concerning cancellation or scheduling of religious services were not shown to have reached all levels of review before suit, while the grievance concerning unequal treatment was not fully reviewed by the Administrative Review Board until after the complaint was filed. French was later transferred to Western Illinois Correctional Center, eliminating his ability to obtain injunctive relief against the Menard officials under RLUIPA.

PROCEDURAL HISTORY

The action originated as a multi-plaintiff case filed on June 6, 2024. The court severed Plaintiff French's claims into this action on August 15, 2025, because he was the only plaintiff seeking emergency injunctive relief and the exhaustion issues differed among the plaintiffs. Defendants moved for summary judgment, arguing that French had not exhausted his administrative remedies. The court determined that Defendants failed to establish nonexhaustion of the First Amendment and RLUIPA claims, but that French failed to exhaust the Equal Protection claim before filing suit; the RLUIPA claim was independently moot because French had been transferred from Menard Correctional Center.

DISPOSITION

other

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)
- Pavey v. Conley, 544 F.3d 739, 740, 742 (7th Cir. 2008)
- Pavey v. Conley, 663 F.3d 899, 903 (7th Cir. 2011)
- Wilborn v. Ealey, 881 F.3d 998, 1004 (7th Cir. 2018)
- Walker v. Harris, 2021 WL 3287832, *1 (S.D. Ill. 2021)
- Miller v. Wexford Health Source, Inc., 2017 WL 951399, *2 (S.D. Ill. 2017)
- Pozo v. McCaughtry, 286 F.3d 1022, 1024-25 (7th Cir. 2002)
- Perttu v. Richards, 605 U.S. 460 (2025)
- Maddox v. Love, 655 F.3d 709, 717, 722 (7th Cir. 2011)
- Chambers v. Sood, 956 F.3d 979, 984 (7th Cir. 2020)
- Williams v. Baldwin, 239 F. Supp. 3d 1084 (N.D. Ill. Mar. 6, 2017)