

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Cedric James Simpson v. Randee Rewerts, Daryl Hoffman, and
Unknown Party

Simpson v. Rewerts · No. 1:24-cv-1232 · Decided January 28, 2026

SUMMARY

This Report and Recommendation addresses a pro se prisoner’s 42 U.S.C. § 1983 claims against Michigan Department of Corrections employees for allegedly delaying his release after a state court vacated his conviction and sentence. The magistrate judge recommends denying the plaintiff’s motions concerning discovery, a stay, and amendment of the complaint. The magistrate judge further recommends granting defendants’ motion for summary judgment because the plaintiff failed to exhaust available administrative remedies under the Prison Litigation Reform Act.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Ray Kent
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	January 28, 2026
DOCKET	1:24-cv-1232
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se, brought a 42 U.S.C. § 1983 action alleging that MDOC employees delayed his release after a state court vacated his conviction and sentence. Defendants moved for summary judgment on exhaustion grounds. Plaintiff filed motions under Federal Rule of Civil Procedure 56(d), for an extension of discovery, and to amend the complaint. The magistrate judge issued a Report and Recommendation recommending denial of plaintiff's motions, grant of defendants' summary-judgment motion, and termination of the action.
STANDARD OF REVIEW	Summary judgment is proper when the movant shows that there is no genuine dispute as to any material fact and that the movant is entitled

to judgment as a matter of law. On an unopposed summary-judgment motion, the court must independently review the motion and record rather than grant it automatically, but need not conduct an independent probing investigation for factual disputes. A Rule 56(d) movant must affirmatively show, by affidavit or declaration, what discovery is needed, what material facts the discovery may uncover, and why the information was not previously obtained.

PRECEDENTIAL VALUE

nonprecedential

TOPICS

section 1983

prisoners rights

summary judgment

civil procedure

motion to amend

PRACTICE AREAS

civil rights

prisoner litigation

federal civil procedure

summary judgment

administrative exhaustion

QUESTIONS PRESENTED

1. Whether plaintiff was required to exhaust available MDOC administrative remedies before pursuing his § 1983 claims because he was incarcerated when he filed the action.
2. Whether plaintiff satisfied Federal Rule of Civil Procedure 56(d) by identifying specific discovery necessary to oppose defendants' exhaustion-based summary-judgment motion.
3. Whether plaintiff was entitled to an extension of discovery.
4. Whether plaintiff could amend his complaint as a matter of course under Federal Rule of Civil Procedure 15(a)(1)(A) after defendants filed a summary-judgment motion and after the applicable amendment period had expired.
5. Whether defendants were entitled to summary judgment because the record showed that plaintiff had not properly exhausted a grievance against any defendant.

HOLDINGS

1. Because plaintiff was incarcerated when he filed this § 1983 action, the Prison Litigation Reform Act required him to exhaust available MDOC administrative remedies before bringing the action.
2. The record did not show that plaintiff properly exhausted any grievance against the defendants before filing suit; therefore, defendants were entitled to summary judgment on the exhaustion issue.
3. Plaintiff was not entitled to deferment, denial, or a stay of the summary-judgment motion under Rule 56(d) because his request was untimely and failed to identify specific discovery needed to oppose the exhaustion motion.
4. Plaintiff could not amend his complaint as a matter of course under Rule 15(a)(1)(A) because the motion was filed outside the applicable period and after defendants had filed a summary-judgment motion.

KEY QUOTATIONS

“The fact that there has been no response to a summary judgment motion does not, of course, mean that the motion is to be granted automatically.” (Section III.A)

“Compliance with prison grievance procedures, therefore, is all that is required by the PLRA to ‘properly exhaust.’” (Section III.A)

“There is no evidence that plaintiff exhausted any grievances against defendants before filing this complaint.” (Section III.C)

FACTUAL BACKGROUND

A Michigan state court vacated plaintiff's conviction and sentence and ordered his release from MDOC custody on November 10, 2022. Plaintiff alleged that prison officials failed to process or act on the order until November 17, 2022, resulting in seven additional days of custody and alleged Eighth and Fourteenth Amendment violations. The record cited by defendants contained no exhausted grievance against the named defendants or the identified records officer.

PROCEDURAL HISTORY

Plaintiff filed this civil-rights action in November 2024 while incarcerated. Defendants moved for summary judgment, asserting that plaintiff failed to exhaust available MDOC grievance remedies. Plaintiff did not file a timely response but later filed motions seeking additional time, discovery, and amendment. The magistrate judge recommended that all plaintiff's motions be denied, defendants' motion be granted, and the case be terminated.

DISPOSITION

other

CASES CITED

- Ball v. Union Carbide Corp., 385 F.3d 713, 719-20 (6th Cir. 2004)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 257 (1986)
- E.M.A. Nationwide, Inc., 767 F.3d 611, 623 (6th Cir. 2014)
- Willmar Poultry Co. v. Morton-Norwich Prods., Inc., 520 F.2d 289, 297 (8th Cir. 1975)
- Cacevic v. City of Hazel Park, 226 F.3d 483, 488 (6th Cir. 2000)
- Doe v. City of Memphis, 928 F.3d 481, 490 (6th Cir. 2019)
- Houston v. Lack, 487 U.S. 266, 276 (1988)
- Brand v. Motley, 526 F.3d 921, 925 (6th Cir. 2008)
- Young v. Artis, No. 1:22-cv-340, 2023 WL 4494402, at *3 (W.D. Mich. June 14, 2023)
- Porter v. Nussle, 534 U.S. 516, 520 (2002)
- Booth v. Churner, 532 U.S. 731, 741 (2001)
- Jones v. Bock, 549 U.S. 199, 204, 218-19 (2007)
- Woodford v. Ngo, 548 U.S. 81, 90-93 (2006)

- Copeland v. Machulis, 57 F.3d 476, 478-79 (6th Cir. 1995)
- McLean v. 988011 Ontario Ltd., 224 F.3d 797, 800 (6th Cir. 2000)
- Champion v. Artuz, 76 F.3d 483, 486 (2d Cir. 1996)
- Guarino v. Brookfield Township Trustees, 980 F.2d 399, 405, 407 (6th Cir. 1992)
- Hicks v. Haynie, No. 1:19-cv-6, 2020 WL 8474737, at *4 (W.D. Mich. Dec. 21, 2020)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-western-district-of-mic/2026/cedric-james-simpson-v-randee-rewerts-daryl-hoffman-and-62szmkk0>