

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Tyler L. Milton v. Hinton, Mayfield, Klang, and Sukowaty

No. 24-cv-607-jdp (W.D. Wis. Jan. 5, 2026) · No. 24-cv-607-jdp · Decided January 5, 2026

SUMMARY

The court partially grants defendants’ motion for summary judgment based on failure to exhaust administrative remedies under the Prison Litigation Reform Act and Wisconsin law. It dismisses without prejudice the plaintiff’s federal and state medical-care claims but denies summary judgment on his failure-to-protect claims. The court also grants extensions of time and resets the dispositive motions deadline.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	January 5, 2026
DOCKET	24-cv-607-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought Eighth Amendment and Wisconsin medical-negligence claims against prison staff. Defendants moved for summary judgment, arguing that plaintiff failed to exhaust administrative remedies. The court granted the motion in part, dismissing the federal and state medical-care claims without prejudice, but denied it as to the failure-to-protect claims.
STANDARD OF REVIEW	Summary judgment is appropriate when the undisputed facts establish that the movant is entitled to judgment as a matter of law. Defendants bore the burden of proving failure to exhaust as an affirmative defense. The court determined whether the undisputed record established nonexhaustion and whether an evidentiary hearing was necessary under <i>Pavey v. Conley</i> .
PRECEDENTIAL VALUE	unpublished
PARTIES	Tyler L. Milton v. Hinton, Mayfield, Klang, Sukowaty

TOPICS

summary judgment

prisoners rights

civil procedure

discovery dispute

cruel and unusual punishment

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Eighth Amendment

Federal-question litigation

Discovery

QUESTIONS PRESENTED

1. Whether Milton exhausted available administrative remedies for his federal and state medical-care claims.
2. Whether Milton exhausted available administrative remedies for his Eighth Amendment failure-to-protect claims.
3. Whether an evidentiary hearing was necessary to resolve the exhaustion issue under *Pavey v. Conley*.
4. Whether the dispositive-motions deadline should be amended and whether defendants should respond to Milton's discovery motions.

HOLDINGS

1. Milton failed to properly exhaust his administrative remedies because he filed the medical-care grievance outside the ordinary fourteen-day deadline and did not establish good cause for the additional delays after his release from observation. The federal and state medical-care claims were therefore dismissed without prejudice.
2. Defendants failed to prove that Milton did not exhaust his administrative remedies for the failure-to-protect grievance. The motion for summary judgment was denied as to those claims.
3. An evidentiary hearing under *Pavey v. Conley* was unnecessary because defendants submitted no evidence raising a material dispute of fact regarding the failure-to-protect grievance.

KEY QUOTATIONS

“The purpose of these requirements is to give the prison administrators a fair opportunity to resolve the grievance without litigation.” (Analysis § A)

“Nothing in the DOC regulations or the relevant case law suggests that Milton’s 14-day deadline was tolled by his placement in observation, so he didn’t have 14 days from his release to file a grievance.” (Analysis § A.1)

“Under the circumstances, Milton has good cause for all the time that passed between his release from observation and his filing of the ’5491 grievance.” (Analysis § A.2)

FACTUAL BACKGROUND

Milton, incarcerated at Columbia Correctional Institution, alleged that prison staff failed to prevent him from swallowing his eyeglasses to harm himself and that defendant Sukowaty delayed obtaining emergency medical treatment after the incident. The self-harm incident occurred on March 7, 2024, and Milton was placed in

observation status until March 25, during which he stated he could not file grievances. He filed grievances concerning medical treatment and failure to protect on April 4 and April 8, respectively; prison officials rejected both as untimely. The court found that Milton lacked good cause for the delays associated with the medical-care grievance but had good cause for the timing of the failure-to-protect grievance.

PROCEDURAL HISTORY

The court previously granted Milton leave to proceed on Eighth Amendment and Wisconsin medical-negligence claims. Defendants moved for summary judgment based on failure to exhaust. The court granted Milton extensions of time, granted summary judgment in part, ordered defendants to respond to two discovery motions, and amended the dispositive-motions schedule.

DISPOSITION

other

CASES CITED

- Pozo v. McCaughtry, 286 F.3d 1022, 1025 (7th Cir. 2002)
- Cannon v. Washington, 418 F.3d 714, 718 (7th Cir. 2005)
- Burrell v. Powers, 431 F.3d 282, 284–85 (7th Cir. 2005)
- Woodford v. Ngo, 548 U.S. 81, 88–89 (2006)
- Davis v. Mason, 881 F.3d 982, 985 (7th Cir. 2018)
- Compton v. Cox, No. 12-cv-837-jdp, 2017 WL 933152, at *6 (W.D. Wis. Mar. 8, 2017)
- Ross v. Blake, 578 U.S. 632, 642 (2016)
- Pavey v. Conley, 544 F.3d 739 (7th Cir. 2008)