

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Rodolph Lanaghan v. Darryl Koch

No. 17-1399, United States Court of Appeals for the Seventh Circuit (August 29, 2018)

SUMMARY

Prison Litigation Reform Act exhaustion; administrative remedies "available" only if prisoner can physically access them and is adequately informed of procedures. The Seventh Circuit vacated dismissal, holding that an inmate with severe muscle disease who was physically unable to draft or file a grievance within the 14-day period, and whose prison handbook omitted the good-cause extension, did not fail to exhaust available remedies. The court rejected reliance on affirmative misconduct and focused on whether the inmate was unable to exhaust through no fault of his own.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Rovner; Bauer; Easterbrook
JURISDICTION	Federal
DECIDED	August 29, 2018
DOCKET	17-1399
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from district court's dismissal for failure to exhaust administrative remedies under the PLRA.
STANDARD OF REVIEW	The court reviews factual findings for clear error and the legal determination of exhaustion de novo.
PRECEDENTIAL VALUE	Published
PARTIES	Rodolph Lanaghan v. Darryl Koch, Correctional Officer, et al.

TOPICS

- civil procedure
- section 1983
- prisoners rights
- remedies
- appellate procedure
- standard of review

PRACTICE AREAS

- Civil Rights
- Prisoner Litigation
- Appellate Procedure

QUESTIONS PRESENTED

1. Whether the district court erred in holding that Lanaghan failed to exhaust available administrative remedies under the PLRA.

HOLDINGS

1. The grievance procedure was not available to Lanaghan because he was physically unable to file within the 14-day period and the good cause exception was not communicated to him, so the district court erred in dismissing the case for failure to exhaust.

KEY QUOTATIONS

“Audie Draper [another inmate] testified that Lanaghan’s disease ‘progressed into something so unbelievably horrible.’” (at 3)

“‘a remedy is not ‘available’ within the meaning of the Prison Litigation Reform Act to a person physically unable to pursue it.” (quoting Hurst v. Hantke, 634 F.3d 409, 412 (7th Cir. 2011))” (at 10)

“‘a secret grievance procedure is no procedure at all, at least absent some evidence that the inmate was aware of that procedure.’” (at 11)

“‘a remedy is not available if the essential elements of the procedure for obtaining it are concealed.” (quoting Hurst, 634 F.3d at 411)” (at 11)

FACTUAL BACKGROUND

In early November 2011, Lanaghan began experiencing severe physical problems, later diagnosed as Dermatomyositis with Polymyositis. He became unable to use his hands and relied on other inmates for daily activities. On December 20, 2011, he attempted to file an inmate grievance with the help of another inmate, Audie Draper, but was denied access to a study table by officers Koch and Chase. He was hospitalized on December 28, 2011 for two months. He filed a grievance on July 2, 2012, which was rejected as untimely. The 14-day grievance deadline was stated in the handbook without mention of a good cause exception.

PROCEDURAL HISTORY

The district court conducted a Pavey hearing and held that Lanaghan failed to exhaust available administrative remedies, dismissing the Eighth Amendment claim and declining supplemental jurisdiction over the state law claim.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the opinion.

CASES CITED

- *Pavey v. Conley*, 544 F.3d 739 (7th Cir. 2008)
- *Pyles v. Nwaobasi*, 829 F.3d 860 (7th Cir. 2016)
- *Dole v. Chandler*, 438 F.3d 804 (7th Cir. 2006)
- *Wilborn v. Ealey*, 881 F.3d 998 (7th Cir. 2018)
- *Hurst v. Hantke*, 634 F.3d 409 (7th Cir. 2011)
- *Kaba v. Stepp*, 458 F.3d 678 (7th Cir. 2006)
- *Swisher v. Porter County Sheriff's Dept.*, 769 F.3d 553 (7th Cir. 2014)
- *White v. Bukowski*, 800 F.3d 392 (7th Cir. 2015)

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