

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

**Timothy Scott Morrow, Jr. v. T. Heishman; Lt. B. Meyers; Cpt.
McCullum; M.H.L. Rogers; C.W.M. T. Hamrick; and Micky Rush**

Morrow v. Heishman · No. 3:25-CV-211-TLS-AZ · Decided May 14, 2026

SUMMARY

The United States District Court for the Northern District of Indiana grants Defendants’ motion for summary judgment in Timothy Scott Morrow, Jr.’s Eighth Amendment failure-to-protect action. The court concludes that Morrow failed to exhaust available administrative remedies before filing suit and directs the Clerk to enter final judgment for the Defendants.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Theresa L. Springmann
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	May 14, 2026
DOCKET	3:25-CV-211-TLS-AZ
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on the affirmative defense that Plaintiff failed to exhaust available administrative remedies under the Prison Litigation Reform Act. Plaintiff did not respond, and the court granted summary judgment and directed entry of final judgment for Defendants.
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. The court construes facts and reasonable inferences in the light most favorable to the nonmoving party; undisputed facts may be deemed admitted when the opposing party fails to properly address them under Federal Rule of Civil Procedure 56.
PRECEDENTIAL VALUE	nonprecedential district court opinion
PARTIES	Timothy Scott Morrow, Jr. v. T. Heishman, Lt. B. Meyers, Cpt. McCullum, M.H.L. Rogers, C.W.M. T. Hamrick, Micky Rush

TOPICS

summary judgment

prisoners rights

section 1983

civil rights

civil procedure

PRACTICE AREAS

Prisoner civil rights

Federal civil procedure

Summary judgment

Administrative exhaustion

QUESTIONS PRESENTED

1. Whether Defendants were entitled to summary judgment because Morrow failed to exhaust available administrative remedies before filing his prison-conditions action.
2. Whether the undisputed record established that Morrow's grievance was properly rejected and that no relevant administrative remedy was completed or shown to be unavailable.

HOLDINGS

1. Defendants were entitled to summary judgment because the undisputed evidence showed that Morrow did not fully exhaust available administrative remedies before filing suit.
2. Summary judgment was procedurally proper because Morrow failed to respond to Defendants' properly supported motion, permitting the court to treat Defendants' factual assertions as undisputed under Rule 56(e).

KEY QUOTATIONS

“Prisoners are prohibited from bringing an action in federal court with respect to prison conditions “until such administrative remedies as are available are exhausted.””

““[A] suit filed by a prisoner before administrative remedies have been exhausted must be dismissed; the district court lacks discretion to resolve the claim on the merits, even if the prisoner exhausts intra-prison remedies before judgment.””

“The law “take[s] a strict compliance approach to exhaustion.””

““[T]o exhaust remedies, a prisoner must file complaints and appeals in the place, and at the time, the prison’s administrative rules require.””

FACTUAL BACKGROUND

Morrow, an Indiana prisoner, alleged that Defendants failed to protect him from a serious risk of harm posed by his cellmate after denying his August 27, 2024 protective-custody request, resulting in an August 28, 2024 assault. The prison grievance process required a formal grievance followed by appeals to the warden and Department Grievance Manager. Morrow submitted a grievance concerning the incident, but it combined multiple unrelated issues, was rejected for correction, was never revised, and did not identify most Defendants or allege their failure to protect him; the record showed no other relevant grievance.

PROCEDURAL HISTORY

Morrow brought an individual-capacity action under the Eighth Amendment seeking compensatory and punitive damages, alleging that Defendants failed to protect him from an assault by his cellmate after denying his protective-custody request. Defendants moved for summary judgment based on failure to exhaust administrative remedies. After Morrow failed to respond within the applicable deadline, the court treated the properly supported factual assertions as undisputed, granted the motion, and directed the Clerk to enter final judgment for Defendants.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Heft v. Moore, 351 F.3d 278, 282 (7th Cir. 2003)
- Goodman v. National Security Agency, Inc., 621 F.3d 651, 654 (7th Cir. 2010)
- Perez v. Wisconsin Department of Corrections, 182 F.3d 532, 535 (7th Cir. 1999)
- King v. McCarty, 781 F.3d 889, 893 (7th Cir. 2015)
- Lockett v. Bonson, 937 F.3d 1016, 1025 (7th Cir. 2019)
- Dole v. Chandler, 438 F.3d 804, 809 (7th Cir. 2006)
- Pozo v. McCaughtry, 286 F.3d 1022, 1025 (7th Cir. 2002)
- Kaba v. Stepp, 458 F.3d 678, 684 (7th Cir. 2006)