

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Shawn A. Dedrick v. Capt. Gene Perrot, et al.

Dedrick v. Perrot · No. 4:24-cv-00088-SEB-KMB · Decided March 31, 2026

SUMMARY

The court grants Defendant Capt. Gene Perrot's motion for summary judgment in Shawn A. Dedrick's 42 U.S.C. § 1983 action based on failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court relies on Dedrick's unanswered requests for admission concerning the availability and use of the Floyd County Jail grievance process. Claims against Perrot are dismissed without prejudice, while the claims against the remaining defendants proceed.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Sarah Evans Barker
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	March 31, 2026
DOCKET	4:24-cv-00088-SEB-KMB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Capt. Gene Perrot moved for summary judgment on the affirmative defense that Plaintiff failed to exhaust administrative remedies under the Prison Litigation Reform Act. Plaintiff did not respond to the motion or to requests for admission.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The court views the record and reasonable inferences in the light most favorable to the nonmoving party, does not weigh evidence or make credibility determinations, and may strictly enforce local summary-judgment rules. Because exhaustion is an affirmative defense, the defendant bears the burden of showing that an administrative remedy was available and that the plaintiff failed to pursue it.
PRECEDENTIAL VALUE	unpublished

TOPICS

summary judgment

prisoners rights

section 1983

affirmative defenses

civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

summary judgment

administrative exhaustion

QUESTIONS PRESENTED

1. Whether summary judgment was warranted because Dedrick's unanswered requests for admission established that administrative remedies were available and that he failed to timely grieve his claims against Capt. Perrot.
2. Whether the claims against Capt. Perrot should be dismissed without prejudice under the PLRA for failure to exhaust administrative remedies.

HOLDINGS

1. A party's failure to respond to requests for admission within the time prescribed by Federal Rule of Civil Procedure 36 results in deemed admissions that may provide the factual foundation for summary judgment. Dedrick's deemed factual admissions established that the jail grievance process was available, that he could have filed a grievance concerning the claims against Perrot within five days, and that he did not do so.
2. Dedrick failed to exhaust available administrative remedies as to his claims against Capt. Perrot, as required by the PLRA.
3. The claims against Capt. Perrot must be dismissed without prejudice for failure to exhaust administrative remedies.

KEY QUOTATIONS

"Even where a non-movant fails to respond to a motion for summary judgment, the movant still has to show that summary judgment is proper given the undisputed facts."

"Although exhaustion is an affirmative defense," Capt. Perrot has the burden of establishing that "an administrative remedy was available and that [Plaintiff] failed to pursue it."

"all dismissals under § 1997e(a) should be without prejudice."

FACTUAL BACKGROUND

Dedrick alleged that, while in custody at the Floyd County Jail, he lacked access to a medically recommended cane or walker and received inadequate treatment for painful and discolored feet and related back problems. He alleged that a power of attorney notified Capt. Perrot of his need for medical care and walking assistance, but that Perrot did nothing for at least 120 days. Perrot served requests for admission concerning the jail grievance process, the five-day filing deadline, the availability of kiosks and administrative remedies, and Dedrick's failure to file a timely grievance concerning the claims against Perrot; Dedrick did not answer them. The grievances Dedrick did file did not allege wrongdoing by Perrot regarding his medical care.

PROCEDURAL HISTORY

Dedrick filed a 42 U.S.C. § 1983 action concerning alleged deliberate indifference to his medical needs while detained at the Floyd County Jail. The court screened the complaint and permitted deliberate-indifference or unreasonable-medical-care claims to proceed against Capt. Perrot, NP Roy Washington, and Nurses Kasey and Lindsey. The court granted Perrot's motion for summary judgment based on deemed admissions establishing nonexhaustion, dismissed the claims against Perrot without prejudice, terminated him as a defendant, and allowed the claims against the remaining defendants to proceed.

DISPOSITION

dismissed

CASES CITED

- Pack v. Middlebury Community Schools, 990 F.3d 1013, 1017 (7th Cir. 2021)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Khungar v. Access Community Health Network, 985 F.3d 565, 572-73 (7th Cir. 2021)
- Miller v. Gonzalez, 761 F.3d 822, 827 (7th Cir. 2014)
- Grant v. Trustees of Indiana University, 870 F.3d 562, 573-74 (7th Cir. 2017)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323, 325 (1986)
- Robinson v. Waterman, 1 F.4th 480, 483 (7th Cir. 2021)
- McCurry v. Kenco Logistics Services, LLC, 942 F.3d 783, 787 (7th Cir. 2019)
- Porter v. Nussle, 534 U.S. 516, 532 (2002)
- Reid v. Balota, 962 F.3d 325, 329 (7th Cir. 2020)
- Woodford v. Ngo, 548 U.S. 81, 90-91 (2006)
- Dale v. Lappin, 376 F.3d 652, 655 (7th Cir. 2004)
- Pozo v. McCaughtry, 286 F.3d 1022, 1025 (7th Cir. 2002)
- Ross v. Blake, 578 U.S. 632, 642 (2016)
- Hill v. Snyder, 817 F.3d 1037, 1041 (7th Cir. 2016)
- Thomas v. Reese, 787 F.3d 845, 847 (7th Cir. 2015)
- Dowaun v. Wexford Health Sources, Inc., No. 21-2957, 2023 WL 5348345, at *2 (7th Cir. Aug. 21, 2023)
- Booth v. Churner, 532 U.S. 731, 736 (2001)
- Whorms v. Honda Manufacturing of Greensburg, IN, 2024 WL 1329934, at *3 (S.D. Ind. Mar. 28, 2024)
- Pearle Vision, Inc. v. Room, 541 F.3d 751, 758 (7th Cir. 2008)
- German v. Stewart, 2024 WL 1093727, at *4 (S.D. Ill. Mar. 13, 2024)
- Ford v. Johnson, 362 F.3d 395, 401 (7th Cir. 2004)