

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Micah Chezum v. Christina Simmons, et al.

Chezum · No. 3:24-CV-1658-MAB · Decided February 24, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denied Defendants’ motion for summary judgment on exhaustion grounds as to Counts 1 and 2 of Micah Chezum’s Eighth Amendment claims. Following a Pavey evidentiary hearing, the Court found that Defendants failed to prove Plaintiff did not exhaust his administrative remedies, lifted the stay on merits-based discovery, and allowed the case to proceed.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Mark A. Beatty
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	February 24, 2026
DOCKET	3:24-CV-1658-MAB
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on the issue of exhaustion of administrative remedies. After initially denying the motion as to Counts 1 and 2 because genuine issues of material fact existed, the Court held a Pavey evidentiary hearing at Defendants' request.
STANDARD OF REVIEW	Summary judgment is appropriate only when the evidence demonstrates no genuine issue of material fact and the movant is entitled to judgment as a matter of law. In the Pavey exhaustion context, Defendants bore the burden of proving that Plaintiff failed to exhaust available administrative remedies.
PRECEDENTIAL VALUE	Unknown
PARTIES	Defendants Jason Furlow, Niel Kellerman, Rose Loos, and Christina Simmons v. Micah Chezum

TOPICS

summary judgment

prisoners rights

cruel and unusual punishment

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

1. Whether Defendants proved that Plaintiff failed to exhaust available administrative remedies as to Counts 1 and 2.
2. Whether summary judgment should be entered for Defendants on the exhaustion issue after the Pavey evidentiary hearing.

HOLDINGS

1. Defendants failed to meet their burden of proving that Plaintiff did not exhaust his administrative remedies as to Counts 1 and 2.
2. Defendants' motion for summary judgment on the issue of exhaustion was denied as to Counts 1 and 2, and the action was permitted to proceed on those claims.

FACTUAL BACKGROUND

Plaintiff asserted that he attempted to pursue prison grievances concerning the Eighth Amendment claims in Counts 1 and 2, including an appeal of Grievance No. K4-1023-1130 to the Administrative Review Board. He claimed that relevant grievances or the appeal were lost, destroyed, or ignored. At the evidentiary hearing, Plaintiff, ARB Chairperson Jeremy Bonnett, and Menard Grievance Officer Lance Phelps testified, and the Court found Plaintiff's testimony consistent and supported by additional evidence.

PROCEDURAL HISTORY

The Court previously granted Defendants' exhaustion-based summary judgment motion as to Count 3, dismissing that count without prejudice. It denied the motion as to Counts 1 and 2 but permitted Defendants to request an evidentiary hearing concerning whether Plaintiff timely appealed Grievance No. K4-1023-1130 and whether he timely filed another relevant grievance, where either submission may have been lost, destroyed, or ignored. Following the February 24, 2026 hearing, at which Plaintiff and two prison grievance officials testified, the Court found that Defendants failed to prove nonexhaustion. The case therefore proceeds on Counts 1 and 2, and merits-based discovery was lifted.

DISPOSITION

other

CASES CITED

- Pavey v. Conley, 544 F.3d 739 (7th Cir. 2008)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS MICAH CHEZUM,)) Plaintiff,)) vs.) Case No. 3:24-CV-1658-MAB) CHRISTINA SIMMONS, et al.,)) Defendants.) MEMORANDUM AND ORDER BEATTY, Magistrate Judge: This matter is before the Court on Defendants Jason Furlow, Niel Kellerman, Rose Loos, and Christina Simmons' Motion for Summary Judgment on the Issue of Exhaustion (Doc.

37). The Court initially reviewed and denied Defendants' motion as to Counts 1 and 2 because the evidence demonstrated genuine issues of material fact existed, thereby precluding summary judgment in Defendants' favor (see Doc. 46).¹ However, pursuant to *Pavey v. Conley*, 544 F.3d 739 (7th Cir. 2008), the Court provided Defendants with the option to request an evidentiary hearing if they wished to further contest the specific, dispositive factual issues of whether: (1) Plaintiff timely appealed Grievance No. K4-1023- 1130 to the ARB, but that appeal was then lost, destroyed, or ignored; and (2) Plaintiff timely filed another grievance addressing the issues raised in Counts 1 and 2 of his Complaint, which was then lost, destroyed, or ignored (see Doc.

46 at pp. 16-17).¹ Conversely, the Court's Order granted Defendants' exhaustion-based summary judgment motion on Count 3 for the reasons stated therein (see Doc. 46 at pp. 16-17). Therefore, Count 3 has already been dismissed without prejudice and is not further considered or discussed in this Order (see *Id.*). Defendants timely made such a request (Doc. 47) and a *Pavey* hearing was held on February 24, 2026 (see Docs.

52, 53). At that hearing, the Court heard testimony from Plaintiff, ARB Chairperson Jeremy Bonnett, and Menard Grievance Officer Lance Phelps (Doc. 55). For the reasons stated on the record, including the consistency of Plaintiff's testimony, the additional evidence supporting his claimed attempts to file relevant grievances and appeal Grievance No. K4-1023-1130 to the ARB, and Defendants' failure to cast any doubt on or identify any holes in Plaintiff's version of events, the Court finds Defendants have not met their burden of proof by demonstrating that Plaintiff did not exhaust his administrative remedies as to Counts 1 and 2 (*Id.*).

Consequently, Defendants' Motion for Summary Judgment on the Issue of Exhaustion is DENIED as to Counts 1 and 2 (Doc. 37). CONCLUSION Defendants' Motion for Summary Judgment on the Issue of Exhaustion is DENIED as to Counts 1 and 2 (Doc. 37).

Accordingly, this matter shall proceed on Plaintiff's Eighth Amendment claims raised in Counts 1 and 2 (see Docs. 18, 46). The stay on merits-based discovery (see Doc. 33 at pp. 5-6) is LIFTED and the parties can proceed with discovery on the merits of Plaintiff's claims in Counts 1 and 2. A new schedule will be entered by separate order. IT IS SO ORDERED. DATED: February 24, 2026
s/ Mark A. Beatty MARK A. BEATTY United States Magistrate Judge

