

**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

OPINION

Chezum

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
MICAHA 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