

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
ARKANSAS

Penister v. Stvartak

Penister v. Stvartak · No. 4:25-cv-00584 · Decided December 11, 2025

SUMMARY

This document is a magistrate judge’s proposed findings and recommendations in a prisoner civil-rights action alleging deliberate indifference to serious medical needs. The recommendation concludes that the plaintiff failed to exhaust available administrative remedies under the Prison Litigation Reform Act and recommends granting defendants’ motion for summary judgment and dismissing the claims without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Arkansas
WRITING FOR THE COURT	Jerome T. Kearney
JURISDICTION	United States District Court for the Eastern District of Arkansas
DECIDED	December 11, 2025
DOCKET	4:25-cv-00584
DISPOSITION	dismissed
PROCEDURAL POSTURE	Recommended disposition on Defendants' Motion for Summary Judgment regarding exhaustion of administrative remedies.
STANDARD OF REVIEW	Summary judgment standard under Federal Rule of Civil Procedure 56(a).
PRECEDENTIAL VALUE	unpublished

TOPICS

- summary judgment
- affirmative defenses
- prisoners rights
- civil procedure
- section 1983

PRACTICE AREAS

- civil procedure
- prisoners rights

QUESTIONS PRESENTED

1. Whether Plaintiff exhausted administrative remedies before filing suit under the Prison Litigation Reform Act.

HOLDINGS

1. Plaintiff failed to exhaust administrative remedies because he did not appeal his grievances, and medical requests are not grievances under the applicable policy.

KEY QUOTATIONS

“Under the plain language of section 1997e(a), an inmate must exhaust administrative remedies before filing suit in federal court If exhaustion was not completed at the time of filing, dismissal is mandatory.”

FACTUAL BACKGROUND

Plaintiff, a pretrial detainee at Dub Brassel Detention Center, alleged deliberate indifference to his serious dental needs. He filed sick calls and grievances about a painful dental problem but did not appeal the responses to his grievances. He filed medical requests but these were not grievances under the facility's policy.

PROCEDURAL HISTORY

Plaintiff filed suit alleging deliberate indifference to medical needs. Defendants moved for summary judgment on exhaustion grounds. Plaintiff did not respond to the motion.

DISPOSITION

dismissed

CASES CITED

- *Dulany v. Carnahan*, 132 F.3d 1234 (8th Cir. 1997)
- *Webb v. Lawrence County*, 144 F.3d 1131 (8th Cir. 1998)
- *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986)
- *Booth v. Churner*, 532 U.S. 731 (2001)
- *Chelette v. Harris*, 229 F.3d 684 (8th Cir. 2000)
- *Castano v. Nebraska Dep't of Corrections*, 201 F.3d 1023 (8th Cir. 2000)
- *Johnson v. Jones*, 340 F.3d 624 (8th Cir. 2003)
- *Jones v. Bock*, 549 U.S. 199 (2007)
- *Wilson v. Miller*, 821 F.3d 963 (8th Cir. 2016)
- *Bolderson v. City of Wentzville, Missouri*, 840 F.3d 982 (8th Cir. 2016)