

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Clarence Albert Saffold, Jr. v. Kevin Bauer et al.

Saffold v. Bauer · No. 25-cv-0759-bhl · Decided May 28, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin granted Defendants' motion for summary judgment in Clarence Saffold, Jr.'s 42 U.S.C. § 1983 action. The court held that Saffold failed to exhaust available administrative remedies because he did not notify the institution that he believed he was being treated differently because of his race, and dismissed the action without prejudice.

OPINION

Saffold

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

CLARENCE ALBERT SAFFOLD, JR.,

Plaintiff, v. Case No. 25-cv-0759-bhl KEVIN BAUER et al., Defendants.

DECISION AND ORDER

Plaintiff Clarence Saffold, Jr., is representing himself in this 42 U.S.C. §1983 case. He is proceeding on a claim that Defendants violated his constitutional rights when they discriminated against him because of his race. Dkt. No. 9. On March 13, 2026, Defendants moved for summary judgment on the ground that Saffold failed to exhaust his available administrative remedies before filing his lawsuit. Dkt. No. 28. The Court notified Saffold that his response materials were due by April 13, 2026 and warned him that if he did not respond by the deadline, the Court would accept all facts asserted by Defendants as true and would decide the motion without his input. See Civil L. R. 56(b)(4). On April 9, 2026, at Saffold's request, the Court extended the response deadline to May 13, 2026. The extended deadline has now passed, and Saffold has not responded to the motion. The Court has reviewed Defendants' motion, brief in support, and the undisputed facts, see Fed. R. Civ. P. 56(e)(2), and concludes that Defendants are entitled to summary judgment. See Fed. R. Civ. P. 56(e)(3). Based on the proposed findings of fact submitted by Defendants and deemed true as a result of Saffold's failure to respond, the Court finds that Saffold did not notify the institution that he believed he was being treated differently from other inmates because of his race. Dkt. No. 30 at ¶¶10-11; Dkt. No. 31-2 at 11-12. Accordingly, because Saffold did not provide the institution with notice of the nature of the wrong at issue in this case, Saffold failed to exhaust

the available administrative remedies and Defendants are entitled to summary judgment. See *Dye v. Kingston*, 130 F. App'x 52, 56 (7th Cir. 2005). IT IS THEREFORE ORDERED that Defendants' motion for summary judgment based on Saffold's failure to exhaust the administrative remedies (Dkt. No. 28) is GRANTED and this action is DISMISSED without prejudice. IT IS FURTHER ORDERED that Saffold's motions for a protective order (Dkt. Nos. 26, 33) are DENIED as moot. The Clerk of Court is directed to enter judgment accordingly. Dated at Milwaukee, Wisconsin this 28th day of May, 2026. s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge