

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

**Feeonquay Jenkins v. Elizabeth Doe #1, CPT. Eric H. Peters, LT.
Ethan D. Marczewski, LT. Dylan Hoffstatter, SGT. Lukas Robertson,
SGT. Joseph Kraus, Michael Dotson, Jarron V. Bankhead, John Doe
#2, and Timothy Houg**

No. 24-cv-43-wmc (W.D. Wis. Mar. 19, 2026) · No. 24-cv-43-wmc · Decided March 19, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin denied defendants’ motion for partial summary judgment based on Feeonquay Jenkins’s alleged failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court held that Jenkins’s grievance concerning threats of ongoing sexual abuse and related failures to intervene was timely under Wisconsin’s exception for complaints involving sexual abuse or sexual harassment. The court also denied Jenkins’s motion to quash as moot and directed the clerk to amend the case caption and schedule a new conference.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	March 19, 2026
DOCKET	24-cv-43-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for partial summary judgment on the ground that Jenkins failed to timely exhaust administrative remedies for his claims concerning threats of future harm and failures to intervene. Jenkins filed a motion to quash, which the court treated as his opposition. The court denied defendants' motion and denied Jenkins's motion to quash as moot.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law.

Because failure to exhaust is an affirmative defense, defendants bore the burden of proving the absence of exhaustion.

PRECEDENTIAL VALUE

unpublished district court opinion; persuasive authority only

TOPICS

summary judgment

prisoners rights

cruel and unusual punishment

civil rights

civil procedure

PRACTICE AREAS

civil rights litigation

prisoner litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Jenkins's claim that Marczewski threatened future sexual abuse was timely exhausted under Wisconsin's exception allowing complaints concerning sexual abuse or sexual harassment to be filed at any time.
2. Whether Jenkins's related claims against Houg and Elizabeth Doe #1 for failing to intervene in the alleged threats of sexual abuse were timely exhausted under the same exception.
3. Whether defendants were entitled to partial summary judgment on their PLRA exhaustion defense.

HOLDINGS

1. Jenkins's grievance concerning Marczewski's alleged threats of ongoing sexual abuse fell within Wis. Admin. Code § DOC 310.08(1), which permits an inmate complaint concerning sexual abuse or sexual harassment to be filed at any time. Jenkins therefore timely exhausted his administrative remedies on that claim.
2. Jenkins timely exhausted his related claims against Houg and Elizabeth Doe #1 for failing to intervene in Marczewski's alleged threats of sexual abuse.
3. Defendants were not entitled to partial summary judgment because the record did not establish that Jenkins failed to exhaust his administrative remedies.

KEY QUOTATIONS

"However, when a grievance must be filed is determined by its content." (Opinion and Order, Section I)

"Accordingly, it appears that CCI-2023-15584 was timely filed and that plaintiff exhausted his administrative remedies on this claim." (Opinion and Order, Section I)

FACTUAL BACKGROUND

Jenkins was incarcerated at Columbia Correctional Institution and alleged that staff subjected him to sexually abusive strip searches on May 3 and May 8, 2023. He further alleged that on May 10, 2023, Lieutenant Marczewski threatened ongoing sexual abuse to coerce him into providing false confidential-informant testimony, while Houg and Elizabeth Doe #1 were present and failed to intervene. Jenkins filed inmate

complaint CCI-2023-15584 on October 16, 2023; the Inmate Complaint Examiner rejected it as untimely, and the Reviewing Authority affirmed that rejection.

PROCEDURAL HISTORY

Jenkins was granted leave to proceed on Fourth and Eighth Amendment claims arising from alleged invasive strip searches, threats of future sexual abuse, and failures to intervene. Defendants moved for partial summary judgment under the Prison Litigation Reform Act's exhaustion requirement, arguing that the grievance concerning the May 10, 2023 events was untimely. The court held that the grievance fell within Wisconsin's exception for complaints concerning sexual abuse or sexual harassment and denied summary judgment.

DISPOSITION

other

CASES CITED

- *Pozo v. McCaughtry*, 286 F.3d 1022, 1025 (7th Cir. 2002)
- *Cannon v. Washington*, 418 F.3d 714, 718 (7th Cir. 2005)
- *Burrell v. Powers*, 431 F.3d 282, 284-85 (7th Cir. 2005)
- *Woodford v. Ngo*, 548 U.S. 81, 88-89 (2006)
- *Jackson v. Esser*, 105 F.4th 948, 959 (7th Cir. 2024)
- *Dole v. Chandler*, 438 F.3d 804, 808-09 (7th Cir. 2006)
- *Thornton v. Snyder*, 428 F.3d 690, 694 (7th Cir. 2005)
- *Perez v. Wis. Dep't of Corrs.*, 182 F.3d 532, 535 (7th Cir. 1999)
- *Farina v. Anglin*, 418 F. App'x 539, 543 (7th Cir. 2011)
- *Booth v. Churner*, 532 U.S. 731, 739 (2001)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986)
- *Dotson v. Faulkner*, No. 20-CV-1767, 2022 WL 1810698, at *1, *5-6 (E.D. Wis. June 2, 2022)