

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Frederick Stampone v. Noah Nagy, et al.

Stampone · No. 24-11812 · Decided February 12, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan partially accepts and adopts a magistrate judge’s report and recommendation concerning motions for summary judgment in Frederick Stampone’s prisoner civil rights action. The court grants in part and denies in part Defendants’ summary-judgment motion based on exhaustion of administrative remedies and denies Plaintiff’s cross-motion. The court concludes that evidence of Plaintiff’s requests for Step II grievance forms creates a genuine issue of material fact regarding whether the grievance process was available to him.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	F. Kay Behm
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	February 12, 2026
DOCKET	24-11812
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed objections to a magistrate judge's report and recommendation on cross-motions for summary judgment in a prisoner civil-rights action. Defendants sought summary judgment based on failure to exhaust administrative remedies.
STANDARD OF REVIEW	De novo review of proper objections to a magistrate judge's report and recommendation on dispositive motions under 28 U.S.C. § 636(b)(1)(B)-(C) and Federal Rule of Civil Procedure 72(b)(1)-(3); clear-error review applies to merely perfunctory objections that rehash prior arguments. Summary judgment is appropriate only when no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law.

PRECEDENTIAL VALUE	unpublished
PARTIES	Frederick Stampone v. Noah Nagy, et al.

TOPICS

summary judgment prisoners rights civil rights evidence civil procedure

PRACTICE AREAS

prisoner civil rights civil procedure summary judgment administrative exhaustion evidence

QUESTIONS PRESENTED

1. Whether the district court could consider the availability of administrative remedies when Stampone raised futility and referred to allegations in his complaint.
2. Whether the record contained competent evidence creating a genuine dispute of material fact as to whether the grievance process was available to Stampone.
3. Whether Stampone's unverified complaint could itself establish a genuine dispute of material fact at summary judgment.
4. Whether the parties' cross-motions for summary judgment should be granted or denied in whole or in part.

HOLDINGS

1. The magistrate judge did not violate the party-presentation principle by addressing whether the grievance process was available because Stampone raised the related concept of futility and referred to his complaint.
2. An unverified complaint cannot be considered Rule 56 evidence to create a genuine dispute of material fact at summary judgment.
3. The Step I grievance documents constituted sufficient evidence capable of being presented in admissible form and created a genuine issue of material fact as to whether the grievance process was unavailable to Stampone.

KEY QUOTATIONS

“In sum, since Stampone provided evidence that he requested Step II Grievance Appeal forms in writing which pertained to the Step I Processed Grievances at issue in this case, and Defendants have come forward with no evidence that such forms were ever provided to him, a genuine issue of material fact exists as to whether the grievance process was truly “available” to him.” (PageID.110-11)

“The amended rule now permits parties to cite a broader range of materials, including “depositions, documents, electronically stored information, affidavits or declarations,” regardless of whether they are authenticated at the time of submission.”

FACTUAL BACKGROUND

Stampone, a prisoner, pursued Step I grievances through the Michigan Department of Corrections process. He submitted written requests for Step II grievance appeal forms on January 5, February 16, and March 11, 2024, but the requests were rejected or otherwise did not result in the provision of the requested forms. Defendants presented no evidence that Stampone received the forms, while the grievance documents bore institutional identifiers, responses, and signatures.

PROCEDURAL HISTORY

Stampone filed the action in the Western District of Michigan on June 13, 2024, and the case was transferred to the Eastern District of Michigan on July 15, 2024. After referral for pretrial proceedings, Defendants moved for summary judgment based on failure to exhaust administrative remedies, and Stampone filed a response and counter-motion. The magistrate judge recommended granting Defendants' motion in part and denying it in part and denying Stampone's motion. After Defendants objected, the district court accepted and adopted the recommendation in part, granted Defendants' motion in part and denied it in part, and denied Stampone's motion.

DISPOSITION

other

CASES CITED

- *Pearce v. Chrysler Group LLC Pension Plan*, 893 F.3d 339, 346 (6th Cir. 2018)
- *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995)
- *Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991)
- *Thomas v. Arn*, 474 U.S. 140, 147 (1985)
- *Ramirez v. United States*, 898 F. Supp. 2d 659, 663 (S.D.N.Y. 2012)
- *Funderburg v. Commissioner of Social Security*, 2016 WL 1104466, at *1 (E.D. Mich. Mar. 22, 2016)
- *In re Chrysler Pacifica Fire Recall Products Liability Litigation*, 143 F.4th 718, 725-26 (6th Cir. 2025)
- *Greenlaw v. United States*, 554 U.S. 237, 243 (2008)
- *Dorris v. Absher*, 179 F.3d 420, 426 (6th Cir. 1999)
- *Koprowski v. Baker*, 822 F.3d 248, 259 (6th Cir. 2016)
- *Rice v. Jefferson Pilot Financial Insurance Co.*, 578 F.3d 450, 454 (6th Cir. 2009)
- *Grado v. Medical, Industrial, & Scientific Products Corp.*, 2025 WL 2227879, at *3 (S.D. Ohio Aug. 5, 2025)
- *Brashear v. Pacira Pharmaceuticals, Inc.*, 2024 WL 3860465, at *4 n.5 (S.D. Ohio Aug. 19, 2024)
- *United States v. Sineneng-Smith*, 590 U.S. 371, 375-76 (2020)
- *Napier v. Laurel County, Ky.*, 636 F.3d 218, 222 (6th Cir. 2011)
- *Cox v. Kentucky Department of Transportation*, 53 F.3d 146, 149 (6th Cir. 1995)
- *McElhaney v. Elo*, 2000 WL 32036, at *2 (6th Cir. Jan. 6, 2000)
- *United States v. Ninety Three Firearms*, 330 F.3d 414, 428 (6th Cir. 2003)
- *Williams v. Browman*, 981 F.2d 901, 903 (6th Cir. 1992)

- Wilson v. Wollan, 2023 WL 7928517, at *6 (W.D. Mich. Oct. 27, 2023)
- Zeune v. Mohr, 2015 WL 6468541, at *6 (S.D. Ohio 2015)
- Jackson v. Kline, 2017 WL 2262502, at *3 (E.D. Mich. 2017)
- Buchanan v. Willis, 2025 WL 2336090, at *1 (W.D. Mich. June 5, 2025)
- Brinkley v. Hamilton County, Tennessee, 2025 WL 884076, at *2 (6th Cir. Mar. 21, 2025)
- King v. Harwood, 852 F.3d 568, 577-78 (6th Cir. 2017)
- Worthy v. Michigan Bell Telephone Co., 472 F. App'x 342, 343 (6th Cir. 2012)
- Fidelity National Title Insurance Co. v. Worldwide Property Hub, LLC, 2025 WL 2466624, at *5 (W.D. Tenn. Aug. 26, 2025)
- Hurick v. McKee, 2018 WL 4908138, at *3 (6th Cir. Apr. 30, 2018)
- Alexander v. CareSource, 576 F.3d 551, 558 (6th Cir. 2009)

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