

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Sammie L. Smith v. Mary J. Leiser and Adam Baranowski

Smith v. Leiser · No. 25-cv-764-wmc · Decided April 14, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin screened Sammie L. Smith’s pro se 42 U.S.C. § 1983 complaint concerning the handling of inmate grievances by correctional complaint examiners. The court held that the allegations did not state claims for denial of grievance-related rights, retaliation, due process, or failure to investigate. The complaint was dismissed without prejudice, and Smith was granted until May 12, 2026, to file an amended complaint.

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	April 14, 2026
DOCKET	25-cv-764-wmc
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner proceeding pro se and in forma pauperis filed a 42 U.S.C. § 1983 complaint. The district court screened the complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), denied leave to proceed, and dismissed the complaint without prejudice for failure to state a claim, while allowing amendment.
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b); the court accepts alleged facts as true, reads a pro se complaint generously, resolves ambiguities, and draws reasonable inferences in the plaintiff's favor, while dismissing claims that are frivolous, malicious, or fail to state a claim.
PRECEDENTIAL VALUE	unpublished
PARTIES	Sammie L. Smith v. Mary J. Leiser, Adam Baranowski

TOPICS

prisoners rights

section 1983

first amendment

due process

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether rejecting or denying Smith's inmate grievances stated a First Amendment claim.
2. Whether Leiser's alleged statement that Smith was ineligible for a legal loan stated a First Amendment retaliation claim.
3. Whether the alleged denial of legal-loan resources stated a due process claim.
4. Whether Baranowski's failure to investigate Leiser stated a constitutional claim.
5. Whether the alleged mishandling or nonprocessing of Smith's grievances stated a First Amendment retaliation or other constitutional claim.

HOLDINGS

1. The rejection or denial of inmate grievances, without more, does not state a First Amendment claim because the First Amendment right to petition the government does not guarantee a particular result.
2. Smith failed to state a First Amendment retaliation claim because he did not allege that he engaged in protected activity concerning Leiser before Leiser allegedly made the retaliatory statement.
3. Smith failed to state a due process claim because he had no protected interest in legal-loan resources.
4. An inmate's allegation that a prison official failed to investigate another official's conduct does not, by itself, state a constitutional claim.
5. The alleged mishandling, failure to process, or discarding of inmate grievances did not state a constitutional claim where the defendants did not cause or participate in the underlying misconduct and the alleged conduct was not sufficiently deterrent to support retaliation.

KEY QUOTATIONS

“While the First Amendment gives plaintiff the right to petition the government, it does not guarantee a particular result.”

“the theory doesn’t work if the retaliatory act precedes the protected activity.”

“mishandling of [] grievances by persons who otherwise did not cause or participate in the underlying conduct states no claim.”

FACTUAL BACKGROUND

Smith, an inmate at Columbia Correctional Institution, alleged that Mary Leiser denied or mishandled inmate complaints concerning unrelated incidents from March through June 2024. He alleged that Leiser retaliated against him by telling a financial specialist on April 18, 2024, that he was ineligible for a legal loan, although he

first complained specifically about Leiser after that statement. Smith also alleged that Adam Baranowski failed to investigate his complaint about Leiser and that two later grievances were discarded or not acknowledged by the inmate complaint examiner office.

PROCEDURAL HISTORY

Smith alleged that inmate complaint examiners mishandled, rejected, discarded, or failed to investigate his prison grievances and that Leiser retaliated against him by allegedly telling a financial specialist that he was ineligible for a legal loan. Upon mandatory screening, the court concluded that the allegations did not state First Amendment retaliation, due process, or other constitutional claims. The court dismissed without prejudice and gave Smith until May 12, 2026, to file an amended complaint; failure to do so would result in dismissal with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

DISPOSITION

dismissed

CASES CITED

- Haines v. Kerner, 404 U.S. 519, 521 (1972)
- Brewer v. Ray, No. 04-C-957-S, 2005 WL 1532599, at *2 (W.D. Wis. June 29, 2005), aff'd, 181 F. App'x 563 (7th Cir. 2006)
- Bridges v. Gilbert, 557 F.3d 541, 546, 551 (7th Cir. 2009)
- Leitgen v. Franciscan Skemp Healthcare, Inc., 630 F.3d 668, 676 (7th Cir. 2011)
- Williams v. Titlbach, No. 21-CV-500-WMC, 2022 WL 179340, at *2 (W.D. Wis. Jan. 20, 2022)
- Wilkins v. Illinois Department of Corrections, 2009 WL 1904414, at *9 (S.D. Ill. July 1, 2009)
- Owens v. Hinsley, 635 F.3d 950, 953-954 (7th Cir. 2011)
- Smith v. Butler, No. 17-CV-189-MJR, 2017 WL 1318270, at *7 (S.D. Ill. Apr. 10, 2017)
- Felton v. City of Chicago, 827 F.3d 632, 636 (7th Cir. 2016)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN SAMMIE L. SMITH, Plaintiff, OPINION AND ORDER v. 25-cv-764-wmc MARY J. LEISER, and ADAM BARANOWSKI, Defendants. Plaintiff Sammie L. Smith, a state prisoner representing himself, filed a complaint under 42 U.S.C. § 1983, alleging that inmate complaint examiners at Columbia Correctional Institution mishandled his inmate grievances.

(Dkt. #1.) Because plaintiff is a prisoner proceeding without prepaying the filing fee, the court must screen the complaint and dismiss any portion that is legally frivolous, malicious, or fails to state a claim upon which relief may be granted. 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b).

The court must read the complaint of a non-lawyer generously, resolving any ambiguities and making reasonable inferences in plaintiff's favor. *Haines v. Kerner*, 404 U.S. 519, 521 (1972). Because plaintiff's complaint does not state a claim upon which relief can be granted, the court will dismiss this case. ALLEGATIONS OF FACT¹ Smith states that one of Columbia's Institution Complaint Examiners, Mary Leiser, 1 The facts in this section are from the plaintiff's "Statement of Claim" (dkt. #1) and are taken as true for purposes of screening. intentionally denied his inmate complaints about unrelated incidents from March to June 2024.

Smith otherwise states that Leiser attempted to harass him, humiliate him, and retaliate against him by trying to deter him from filing inmate complaints. Specifically, Smith alleges that Leiser retaliated against him by lying to another financial specialist at Columbia on April 18, 2024, saying that Smith was not eligible for a legal loan. Smith sent an information request on May 28, 2024, to another Inmate Complaint Examiner, Adam Baranowski, and asked him to investigate Leiser because she retaliated against him.

Baranowski responded, saying, "Noted." Smith then says he filed two inmate complaints about Leiser on July 18, 2024, and August 5, 2024, and that those complaints were never acknowledged by the ICE office because they were "obviously discarded" by Leiser and/or Baranowski. OPINION First, the court understands plaintiff to allege that ICE Leiser violated his First Amendment rights when she denied his grievances filed from March to June 2024.

While the First Amendment gives plaintiff the right to petition the government, it does not guarantee a particular result. *Brewer v. Ray*, No. 04-C-957-S, 2005 WL 1532599, at *2 (W.D. Wis. June 29, 2005), *aff'd*, 181 F. App'x 563 (7th Cir. 2006). So, plaintiff's complaint that Leiser returned or rejected his grievances does not state a claim upon which relief may be granted.

Id. Smith next alleges that Leiser retaliated against him because he complained about her to another complaint examiner, and because he filed grievances against her. To state a claim for retaliation, Smith must allege that: "(1) he engaged in activity protected by the First Amendment; (2) he suffered a deprivation that would likely deter First Amendment activity in the future; and (3) the First Amendment activity was 'at least a motivating factor' in the defendant's decision to take the retaliatory action." *Bridges v. Gilbert*, 557 F.3d 541, 546 (7th Cir.

2009). Smith says Leiser retaliated against him by lying to a Columbia financial officer, saying Smith was not eligible for a legal loan. However, Smith's complaint fails to allege that he took any protected activity that would implicate Leiser, specifically, before she spoke to the financial officer—instead, he states in his complaint that the grievances he filed before this time discussed an unrelated incident in which Leiser was not involved, and that he first complained about her over one month after she spoke to the financial officer.

Leitgen v. Franciscan Skemp Healthcare, Inc., 630 F.3d 668, 676 (7th Cir. 2011) (“[T]he theory doesn’t work if the retaliatory act precedes the protected activity.”) Therefore, his allegation that she lied to another official to prevent him from getting a legal loan in retaliation does not state a claim upon which relief may be granted. Likewise, this allegation does not state a due process claim, as Smith has no protected interest in legal loan resources.

Williams v. Titlbach, No. 21-CV-500-WMC, 2022 WL 179340, at *2 (W.D. Wis. Jan. 20, 2022). Smith also fails to state a claim against Baranowski for not investigating Leiser after he wrote to Baranowski on May 28, 2024. *Wilkins v. Illinois Dept. of Corrections*, 2009 WL 1904414 at *9 (S.D. Ill. July 1, 2009) (“Inmates do not have a due process right to have their claims investigated at all, and an allegation that any investigation which is actually conducted by prison officials was ‘inadequate’ or ‘improper’ does not state a constitutional claim.”) Finally, Smith states that he tried to file two grievances about Leiser, and that these grievances were never processed or acknowledged by the ICE Office at Columbia because Leiser and/or Baranowski discarded them in retaliation.

This allegation does not state a claim against Baranowski. *Owens v. Hinsley*, 635 F.3d 950, 953 (7th Cir. 2011) (“mishandling of [] grievances by persons who otherwise did not cause or participate in the underlying conduct states no claim.”) Likewise, Leiser’s alleged “failure to properly process Plaintiff’s grievances does not amount to the type of action that would be likely to deter Plaintiff from engaging in protected First Amendment activity in the future—which is a necessary component of a retaliation claim.” *Smith v. Butler*, No. 17-CV-189-MJR, 2017 WL 1318270, at *7 (S.D.

Ill. Apr. 10, 2017) (citing *Bridges v. Gilbert*, 557 F.3d 541, 551 (7th Cir. 2009)); see also *Owens*, 635 F.3d at 953-954 (describing that prisoners have no constitutional right to a grievance system). In sum, plaintiff’s complaint does not state a claim for which relief can be granted.

However, the Seventh Circuit has cautioned against dismissing a pro se plaintiff’s case without giving the plaintiff a chance to amend the complaint. *Felton v. City of Chicago*, 827 F.3d 632, 636 (7th Cir. 2016). So, plaintiff may file an amended complaint if he believes he can state a constitutional claim based on (and consistent with) the events described in this complaint.

If plaintiff files an amended complaint, the court will screen the allegations to determine whether they state a claim for relief. If he does not submit an amended complaint by the date below, this case will be dismissed for failure to state a claim upon which relief may be granted. ORDER IT IS ORDERED that: 1. Plaintiff Sammie Smith is DENIED leave to proceed and his complaint is DISMISSED without prejudice for failure to state a claim upon which relief may be granted.

2. Plaintiff has until May 12, 2026, to file an amended complaint that states a federal claim for relief as discussed in this order. Plaintiff’s failure to file an amended complaint by that deadline

will result in the court dismissing this action with prejudice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b). Entered this 14th day of April, 2026.

BY THE COURT: /s/ _____ WILLIAM M. CONLEY District
Judge

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