

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Thomas M. Smith v. Wexford Health Sources, Inc., Dr. Gentry, and
Jacqueline Lashbrook

Smith v. Wexford · No. 24-cv-02483-SMY · Decided February 24, 2026

SUMMARY

The United States District Court for the Southern District of Illinois granted summary judgment to Wexford Health Sources, Inc. and Dr. Gentry in an Eighth Amendment § 1983 action concerning the denial of transition lenses. The court held that the plaintiff filed suit before completing the Illinois Department of Corrections grievance and Administrative Review Board appeal process, as required by the Prison Litigation Reform Act. The action, including all claims and defendants, was dismissed without prejudice for failure to exhaust administrative remedies.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Staci M. Yandle
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	February 24, 2026
DOCKET	24-cv-02483-SMY
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants Wexford Health Sources, Inc. and Dr. Gentry moved for summary judgment on the affirmative defense that Plaintiff failed to exhaust administrative remedies under the Prison Litigation Reform Act before filing suit. The court resolved the motions on the undisputed facts without an evidentiary hearing and dismissed the action without prejudice.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. On an exhaustion motion, an evidentiary hearing is required to resolve contested factual issues, but no hearing is required when material facts are undisputed and only legal questions remain.

PRECEDENTIAL VALUE

Unpublished federal district court memorandum and order;
precedential status unknown

TOPICS

summary judgment

prisoners rights

section 1983

civil procedure

constitutional law

PRACTICE AREAS

civil rights litigation

prisoner litigation

civil procedure

summary judgment

administrative exhaustion

QUESTIONS PRESENTED

1. Whether Defendants were entitled to summary judgment because Smith had not completed the Illinois prison grievance process before filing his § 1983 action.
2. Whether the court was required to conduct an evidentiary hearing or submit the exhaustion issue to a jury under Pavey and Perttu when the material facts concerning exhaustion were undisputed.
3. Whether alleged futility, delay, or incompetence of the Administrative Review Board excused Smith's failure to exhaust before filing suit.

HOLDINGS

1. Summary judgment was proper because Smith filed suit before completing the required administrative appeal to the Administrative Review Board, and the PLRA requires proper exhaustion before a prisoner brings an action concerning prison conditions.
2. No evidentiary hearing or jury trial was required because the material facts concerning exhaustion were undisputed and were not intertwined with the merits of Smith's claims.
3. Alleged futility, delay, pain, or incompetence of the ARB did not excuse Smith's failure to exhaust because the Seventh Circuit recognizes no futility exception to the PLRA exhaustion requirement.

KEY QUOTATIONS

“The Court cannot excuse Plaintiff for his failure to exhaust available remedies under these circumstances; proper exhaustion is mandatory.” (Discussion)

“This means that a plaintiff cannot sue first and exhaust later.” (Discussion)

“No one can know whether administrative requests will be futile; the only way to find out is to try.”
(Discussion)

FACTUAL BACKGROUND

Smith, an Illinois prisoner, alleged that medical providers denied him transition lenses prescribed to address light sensitivity, sun blindness, headaches, and vision impairment. He filed one relevant grievance, which was denied by the grievance officer and affirmed by the chief administrative officer. Smith filed this federal action on

November 13, 2024, before appealing that decision to the Administrative Review Board; he signed the appeal on November 27, 2024, and the ARB received it on December 4, 2024.

PROCEDURAL HISTORY

Plaintiff filed a 42 U.S.C. § 1983 action alleging Eighth Amendment deliberate-indifference claims concerning denial of transition lenses and related symptoms. The claims against Wexford and Dr. Gentry proceeded past screening, and Defendants asserted failure to exhaust as an affirmative defense. Plaintiff filed his complaint on November 13, 2024, before appealing the prison grievance to the Administrative Review Board; the ARB later denied the appeal on April 25, 2025. The court granted summary judgment to Defendants and dismissed all counts and all defendants without prejudice.

DISPOSITION

dismissed

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Lawrence v. Kenosha County, 391 F.3d 837, 841 (7th Cir. 2004)
- Pavey v. Conley, 544 F.3d 739, 740-42 (7th Cir. 2008)
- Perttu v. Richards, 605 U.S. 460, 464 (2025)
- Doss v. Gilkey, 649 F. Supp. 2d 905, 912 (S.D. Ill. 2009)
- Pozo v. McCaughtry, 286 F.3d 1022, 1024-25 (7th Cir. 2002)
- Thomas v. Reese, 787 F.3d 845, 847 (7th Cir. 2015)
- Chambers v. Sood, 956 F.3d 979, 984-85 (7th Cir. 2020)
- Ford v. Johnson, 362 F.3d 395, 398-400 (7th Cir. 2004)
- Doe v. Chandler, 438 F.3d 804, 809 (7th Cir. 2006)
- Greene v. Meese, 875 F.2d 639, 641 (7th Cir. 1989)
- Harrison v. Barkley, 219 F.3d 132, 136 (2d Cir. 2000)
- Gutierrez v. Peters, 111 F.3d 1364, 1373 (7th Cir. 1997)
- McGuckin v. Smith, 974 F.2d 1050, 1059-60 (9th Cir. 1992)
- Chance v. Armstrong, 143 F.3d 698, 702 (2d Cir. 1998)
- Estelle v. Gamble, 429 U.S. 97, 104-05 (1976)