

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Robert Morris v. Thena Poteat, Melvin Hinton, and Sheri Buettner

Morris · No. 24-cv-2040-NJR · Decided February 2, 2026

SUMMARY

The United States District Court for the Southern District of Illinois grants a partial motion for summary judgment based on failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court dismisses without prejudice Morris’s claims against Sheri Buettner concerning Wellbutrin and against Thena Poteat concerning an alleged sexual assault, while allowing the medication claim to proceed against Poteat and Melvin Hinton.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	February 2, 2026
DOCKET	24-cv-2040-NJR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging unconstitutional denial of medication and sexual assault. Defendants Poteat and Buettner moved for partial summary judgment based on failure to exhaust administrative remedies under the Prison Litigation Reform Act.
STANDARD OF REVIEW	Summary judgment is proper when the pleadings, discovery materials, disclosures, and affidavits show no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. On an exhaustion defense, the judge determines disputed factual issues concerning exhaustion. Failure to respond to a statement of facts permits the court to deem material facts admitted under the local rule, but does not automatically entitle the movant to summary judgment.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; persuasive rather than precedential

PARTIES

Robert Morris v. Thena Poteat, Melvin Hinton, Sheri Buettner

TOPICS

summary judgment

prisoners rights

section 1983

civil procedure

affirmative defenses

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether Morris exhausted administrative remedies as to his Count 1 claim against Buettner concerning the discontinuation or nonrenewal of Wellbutrin.
2. Whether Morris exhausted administrative remedies as to his Count 2 claim against Poteat concerning the alleged sexual assault.
3. Whether defendants were entitled to partial summary judgment despite Morris's failure to respond to the motion.

HOLDINGS

1. Morris failed to exhaust administrative remedies because none of his grievances concerning Wellbutrin named or described Buettner's alleged involvement in the medication decisions.
2. Morris failed to exhaust administrative remedies as to his sexual-assault claim against Poteat because he submitted the December 22, 2022 grievance directly to the ARB instead of first submitting it through the required prison grievance process, and his later grievance concerned confidentiality rather than the assault.

KEY QUOTATIONS

“Summary judgment is proper if the pleadings, discovery materials, disclosures, and affidavits demonstrate no genuine issue of material fact such that [the defendant] is entitled to judgment as a matter of law.” (Legal Standards)

“Count 1 is DISMISSED without prejudice as to Sheri Buettner. Count 2 against Dr. Poteat is DISMISSED without prejudice. Count 1 shall proceed against Dr. Poteat and Dr. Melvin Hinton.” (Conclusion)

FACTUAL BACKGROUND

Morris, an Illinois Department of Corrections inmate, alleged that Wellbutrin prescribed for his mental illness was discontinued and that he suffered withdrawal symptoms. He also alleged that Dr. Poteat threatened and sexually assaulted him in December 2022. Morris submitted grievances concerning his medication and the alleged assault, but the medication grievances did not identify Buettner, and the assault grievance was submitted directly to the Administrative Review Board without first proceeding through prison grievance officials.

PROCEDURAL HISTORY

Morris filed suit on August 26, 2024. The Court previously allowed him to proceed on an Eighth Amendment deliberate-indifference claim concerning Wellbutrin against Poteat, Buettner, and Hinton, and an Eighth Amendment cruel-and-unusual-punishment claim concerning an alleged sexual assault against Poteat. Morris did not respond to the partial summary-judgment motion despite receiving multiple extensions. The court granted the motion, dismissing Count 1 without prejudice as to Buettner and Count 2 without prejudice as to Poteat, while allowing Count 1 to proceed against Poteat and Hinton.

DISPOSITION

other

CASES CITED

- Wragg v. Village of Thornton, 604 F.3d 464, 467 (7th Cir. 2010)
- Dole v. Chandler, 438 F.3d 804, 809 (7th Cir. 2006)
- Ford v. Johnson, 362 F.3d 395, 398 (7th Cir. 2004)
- Pozo v. McCaughtry, 286 F.3d 1022, 1025 (7th Cir. 2002)
- Pavey v. Conley, 544 F.3d 739, 740-42 (7th Cir. 2008)
- Perttu v. Richards, 605 U.S. 460, 479 (2025)
- Parra v. Neal, 614 F.3d 635, 636 (7th Cir. 2010)
- Cracco v. Vitran Express, Inc., 559 F.3d 625, 632 (7th Cir. 2009)
- Smith v. Lamz, 321 F.3d 680, 683 (7th Cir. 2003)
- Carroll v. Lynch, 698 F.3d 561, 564 (7th Cir. 2012)
- Maddox v. Love, 655 F.3d 709, 722 (7th Cir. 2011)
- Jones v. Bock, 549 U.S. 199, 219 (2007)
- Turley v. Rednour, 729 F.3d 645, 649 (7th Cir. 2013)
- Harris v. Henderson, Case No. 3:19-CV-00660-MAB, 2021 WL 690004, at *7 (S.D. Ill. Feb. 23, 2021)
- Parry v. Muller, Case No. 18-CV-1394-JPG, 2018 WL 4027572, at *3 (S.D. Ill. Aug. 23, 2018)

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