

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Melvin Leon Kellam v. Jamie Barker, Virginia Trzebiatowski, and
Jered Kuehn

Kellam · No. 24-cv-454-jdp · Decided March 11, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin denied defendant Virginia Trzebiatowski’s motion for summary judgment based on failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court held that the plaintiff’s grievance sufficiently notified prison officials of Trzebiatowski’s alleged involvement in denying medical shoes and that prison officials’ merits resolution of the grievance precluded reliance on its alleged untimeliness. The plaintiff’s Eighth Amendment medical-care claims will proceed to summary judgment on the merits.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	March 11, 2026
DOCKET	24-cv-454-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Virginia Trzebiatowski moved for summary judgment, asserting that plaintiff Melvin Kellam failed to exhaust administrative remedies under the Prison Litigation Reform Act. The court denied the motion.
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. On an exhaustion defense, defendants bear the burden of proof.
PRECEDENTIAL VALUE	Unknown; district court opinion

TOPICS

- summary judgment
- prisoners rights
- civil rights
- health law
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

health law

QUESTIONS PRESENTED

1. Whether Kellam's inmate complaint sufficiently exhausted his PLRA claims against Trzebiatowski even though it did not name her individually.
2. Whether the alleged delay between Trzebiatowski's treatment of Kellam and the filing of the grievance defeated exhaustion.
3. Whether any untimeliness in the grievance constituted a failure to exhaust when prison officials resolved the complaint on the merits.

HOLDINGS

1. The PLRA does not require an inmate grievance to name every defendant or identify the inmate's future legal theories; it must provide enough information about the problem and who caused it to permit the prison to investigate and resolve the issue. Kellam's reference to "HSU nursing staff" was sufficient to notify prison officials of Trzebiatowski's involvement.
2. An inmate need not file multiple successive grievances concerning the same continuing prison condition, and the court declined to require a new complaint within a specified period after each individual defendant's involvement.
3. A procedural defect such as failure to comply with prison filing deadlines constitutes failure to exhaust only when prison administrators explicitly relied on that defect. Because prison officials resolved Kellam's grievance on the merits, Trzebiatowski could not rely on the grievance's timeliness to establish nonexhaustion.

KEY QUOTATIONS

"The PLRA's exhaustion requirement does not require an inmate complaint to name all the defendants or identify the inmate's future legal theories."

"All an inmate has to do is to provide enough information about the problem and who caused it to allow the prison to properly investigate and resolve the issue."

"I will deny Trzebiatowski's motion for summary judgment on exhaustion grounds in full."

FACTUAL BACKGROUND

Kellam alleged that medical staff at Stanley Correctional Institution denied him custom medical shoes recommended by an orthotic specialist and refused to allow him to see a foot specialist. In an April 8, 2024 inmate complaint, he stated that HSU nursing staff and Jimmie Barker were refusing to fill the orthotic order. Although Trzebiatowski had last treated Kellam nearly three years earlier and was not named in the grievance, the prison resolved the complaint on the merits.

PROCEDURAL HISTORY

Kellam, proceeding without counsel, brought Eighth Amendment medical-care claims concerning the denial of custom medical shoes and access to a foot specialist. Trzebiatowski moved for summary judgment on exhaustion grounds. Kellam did not respond, but the court concluded that the grievance adequately provided notice of his claims and denied the motion; the claims against all defendants proceed to summary judgment on the merits.

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)
- Davis v. Mason, 881 F.3d 982, 985 (7th Cir. 2018)
- Jones v. Bock, 549 U.S. 199, 218–19 (2007)
- Jackson v. Esser, 105 F.4th 948, 960 (7th Cir. 2024)
- Turley v. Rednour, 729 F.3d 645, 650 (7th Cir. 2013)
- Maddox v. Love, 655 F.3d 709, 722 (7th Cir. 2011)
- Conyers v. Abitz, 416 F.3d 580, 584 (7th Cir. 2005)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN MELVIN LEON KELLAM, Plaintiff, v. OPINION and ORDER JAMIE BARKER, VIRGINIA TRZEBIATOWSKI, and 24-cv-454-jdp JERED KUEHN, Defendants. Plaintiff Melvin Kellam, proceeding without counsel, alleges that medical staff at Stanley Correctional Institution denied him custom medical shoes and refused to allow him to see a foot specialist.

Defendant Virginia Trzebiatowski moves for summary judgment on the ground that Kellam did not exhaust his administrative remedies against her. Kellam has not responded to Trzebiatowski's motion. Nevertheless, I conclude that the inmate complaint Kellam submitted was sufficient to provide notice of his claims against Trzebiatowski, so the motion for summary judgment will be denied.

ANALYSIS The Prison Litigation Reform Act (PLRA) requires inmates to exhaust all available administrative remedies before filing a lawsuit in federal court about “prison conditions.” 42 U.S.C. § 1997e(a). To comply with § 1997e(a), a prisoner must take each step in the administrative process, Pozo v. McCaughtry, 286 F.3d 1022, 1025 (7th Cir. 2002), which includes following instructions for filing an initial grievance, Cannon v. Washington, 418 F.3d 714, 718 (7th Cir.

2005), as well as filing all necessary appeals, *Burrell v. Powers*, 431 F.3d 282, 284–85 (7th Cir. 2005), “in the place, and at the time, the prison’s administrative rules require,” *Pozo*, 286 F.3d at 1025. To exhaust administrative remedies in Wisconsin, inmates ordinarily must follow the Inmate Complaint Review System process as set forth in Wisconsin Administrative Code Chapter DOC 310.

The purpose of these requirements is to give prison administrators a fair opportunity to resolve the grievance without litigation. *Woodford v. Ngo*, 548 U.S. 81, 88–89 (2006). Failure to exhaust administrative remedies under § 1997e(a) is an affirmative defense that must be proven by defendants. *Davis v. Mason*, 881 F.3d 982, 985 (7th Cir. 2018). Kellam asserts Eighth Amendment medical care claims against Trzebiatowski for refusing to provide him with medical shoes as recommended by his orthotic specialist and for denying his requests to see a foot specialist.

Trzebiatowski contends that Kellam’s grievance about this issue, SCI-2024-5347, was insufficient to exhaust his claims against her, because Kellam failed to name Trzebiatowski or otherwise notify prison officials of Trzebiatowski’s involvement.¹ I disagree.

The PLRA’s exhaustion requirement does not require an inmate complaint to name all the defendants or identify the inmate’s future legal theories. *Jones v. Bock*, 549 U.S. 199, 218–19 (2007). All an inmate has to do is to provide enough information about the problem and who caused it to allow the prison to properly investigate and resolve the issue. *Jackson v. Esser*, 105 F.4th 948, 960 (7th Cir.

2024); see also Wis. Admin. Code § DOC 1 Trzebiatowski says that this is the only grievance Kellam filed about the events at issue in the complaint. Because Kellam did not respond to Trzebiatowski’s motion, I will treat Trzebiatowski’s version of the facts as undisputed. 310.07(6) (“A complaint must contain sufficient information for the department to investigate and decide the complaint.”).

In his April 8, 2024, inmate complaint, Kellam wrote that “HSU Nursing Staff and Jimmie Barker are refusing to fill the orthotic order, ordered by an orthotic specialist.” Dkt. 30-1. Trzebiatowski argues that this description didn’t notify the prison of her involvement, for two reasons.

First, she says that Kellam’s reference to “HSU nursing staff” doesn’t include her, because she is an advanced practice provider. But Trzebiatowski provides no reason why a prison complaint examiner would interpret “nursing staff” to exclude nurse practitioners like Trzebiatowski, nor do I see any. I conclude that Kellam’s reference to “HSU nursing staff” was sufficient to notify the prison of Trzebiatowski’s involvement.

Second, Trzebiatowski points out that Kellam’s complaint was submitted in 2024, almost three years after Trzebiatowski last treated him. But it is well-established that an inmate “need not file

multiple, successive grievances raising the same issue (such as prison conditions or policies) if the objectionable condition is continuing.” *Turley v. Rednour*, 729 F.3d 645, 650 (7th Cir.

2013). I am not aware of any authority holding that an inmate experiencing an ongoing deprivation of his rights must file a new complaint within a certain time of each individual defendant’s involvement. Nor would such a rule be consistent with the purpose of the exhaustion requirement, which is to give prison officials a fair opportunity to address the inmate’s problem, not to provide early notice to individual defendants of the possibility of litigation.

Maddox v. Love, 655 F.3d 709, 722 (7th Cir. 2011). Trzebiatowski asserts that Kellam’s complaint doesn’t suffice because state regulations require inmates to submit complaints within 14 days after an incident. But that doesn’t change the court’s analysis. Even if Kellam’s complaint were untimely, “a procedural shortcoming like failing to follow the prison’s time deadlines amounts to a failure to exhaust only if prison administrators explicitly relied on that shortcoming.” *Id.* (quoting *Conyers v. Abitz*, 416 F.3d 580, 584 (7th Cir.

2005)). Prison officials resolved Kellam’s complaint on the merits, so Trzebiatowski cannot rely on the complaint’s timeliness to assert an exhaustion defense. See *id.* One final point. In his 2024 grievance, Kellam complained only that he was being denied medical shoes, which raises the question whether he exhausted his claims that defendants refused to allow him to see a foot specialist.

But Trzebiatowski did not raise that issue in her motion, so it is forfeited. I will deny Trzebiatowski’s motion for summary judgment on exhaustion grounds in full. Kellam’s claims against all defendants will proceed to summary judgment on the merits. ORDER IT IS ORDERED that defendant Virginia Trzebiatowski’s motion for summary judgment on exhaustion grounds, Dkt.

28, is DENIED. Entered March 11, 2026. BY THE COURT: /s/

JAMES D. PETERSON District Judge