

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)